

XENIA MUNICIPAL COURT

MICHAEL K. MURRY, JUDGE

101 N. Detroit St. • Xenia, Ohio 45385

937-376-7294 • 937-376-7288 (fax)

R. James Creamer
Clerk of Court

Jessica Stutes
Chief Deputy Clerk

Diane L. Bryan
Chief Deputy Clerk

Richard E. Walker
Chief Bailiff

Kim Ramey
Court Reporter

Carlos Walker
Chief Probation

PROCEDURE FOR SEALING OF RECORDS

Dear Applicant,

You have asked about applying for Sealing of Records through the Xenia Municipal Court. IF YOU HAVE AN ATTORNEY, he/she will instruct and guide you through the process, but in every case, a Questionnaire and Eligibility Worksheet must be filed.

In order to complete this investigation thoroughly, it is vital that you complete all the requested information that is attached. This information is to be reviewed and then completed to the best of your knowledge. Please do not leave any question boxes empty. Indicate with an "N/A" any questions that do not apply to your specific situation. If during the course of this investigation it is determined that you have provided false information or have failed to cooperate in any fashion with the investigator, your application **will be denied**. Please type or write legibly on the application.

IMPORTANT NOTICE: Xenia Municipal Court is not permitted to seal records relating to traffic cases or convictions for the following criminal offenses:

Aggravated Menacing, Menacing By Stalking, Intimidation, Sexual Imposition, Escape,
Domestic Violence and some Child Endangering cases.

In order to begin the process you will need to complete and return. . .

- 1) \$50.00 filing fee per application, NOTE:** *The Court accepts cash, personal check (IF check address and bank are within this court's jurisdiction), credit card (IF card holder present). There is a 4% transaction fee for use of credit/debit card. If residing outside Court's jurisdiction, please remit filing fee by money order, cashier's check, or certified check payable to Xenia Municipal Court.*
- 2) Sealing of Records Questionnaire. The defendant MUST provide the case number(s) requesting to be sealed.**
- 3) Signed Application.**
- 4) Signed Eligibility Worksheet** indicating your review of all items on that page.

IF YOU ARE REQUESTING THE SEALING OF A RECORD AND YOU WERE FOUND NOT GUILTY OR YOUR CASE WAS DISMISSED, you need only complete and return . . .

- 1) No filing fee for Dismissed cases or cases with finding of "not guilty"**
- 2) Signed Application.**
- 3) Sealing of Records Questionnaire – Dismissed/Not Guilty Cases**

As part of this process, you will be contacted by a representative of Xenia Municipal Court regarding an interview. This should take place within approximately 3-4 weeks of filing, depending upon the number of applications currently under review, daily court docket, etc. Any questions regarding the Sealing of Records process may be addressed to the Court at 937-376-7289, 937-376-7297.

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ELIGIBILITY WORKSHEET

Prior to your paying the filing fee(s) for sealing, this worksheet is a useful tool to help you determine if you believe you are indeed eligible to apply to have your record sealed.

Any specific questions you have about eligibility should be directed to your attorney.

HOW DO I KNOW IF I AM LIKELY ELIGIBLE TO APPLY TO GET MY RECORD SEALED?

1. Is the conviction you want to seal one of the crimes listed on the first sheet? _____
2. Do you have any misdemeanor or felony convictions? _____

If the answer to #2 is "yes," how many misdemeanor convictions _____
and how many felonies? _____
3. Has more than one year passed since the "final discharge" in your misdemeanor case(s) or more than three years on your felony and one year on your misdemeanor case? _____
(FINAL DISCHARGE means completion of all parts of the sentence(s), including jail time and/or community control-probation) **This question does not apply to dismissed cases.**
4. Do you have any criminal or traffic proceedings currently pending against you? _____
5. Have you ever had any other case(s) sealed? _____
6. Have you ever been convicted of OVI, Hit/Skip, Driving Under OVI suspension, or a felony traffic offense? _____
7. Have you paid all fines and court costs in your case(s)? _____

If you answered "Yes" to questions 3 and 7, and if you answered "No" to questions 1 and 4 above, you likely are eligible to apply to have your records sealed. However, your answers to questions 2, 5 and 6 may affect your eligibility. The Judge ultimately will decide whether to seal your records.

NOTICE: Certain individuals and agencies have access to sealed records. If you have any questions regarding access to sealed records or any questions regarding your eligibility to have your record sealed, you should consult an attorney.

My signature indicates that I HAVE REVIEWED this worksheet: _____

XENIA MUNICIPAL COURT
101 NORTH DETROIT STREET
XENIA, OHIO 45385

SEALING OF RECORDS QUESTIONNAIRE

NAME : _____
(LAST) (FIRST) (MIDDLE)

ALSO KNOWN AS: _____
(NICK NAME, ALIAS, OR OTHER NAME USED)

CASE NUMBER(S) TO BE SEALED: _____

SOCIAL SECURITY NUMBER: _____

OPERATOR'S/DRIVER'S LICENSE NUMBER: _____

STATE THAT ISSUED OPERATOR'S LICENSE: _____

PRESENT ADDRESS: _____
(NUMBER, STREET, APT. #, CITY, STATE, ZIP CODE)

HOW LONG HAVE YOU LIVED THERE: _____

WHOM DO YOU LIVE WITH: _____

TELEPHONE NUMBER: _____

PREVIOUS ADDRESS: _____
(NUMBER, STREET, APT. #, CITY, STATE, ZIP CODE)

WHERE ARE YOU CURRENTLY EMPLOYED?: _____

HOW LONG HAVE YOU BEEN EMPLOYED THERE?: _____

DO YOU HAVE A CASE PENDING IN ANY COURT?: _____

AGE: _____ SEX: _____ RACE: _____

HGT: _____ WGT: _____ EYES: _____

HAIR (NATURAL COLOR): _____

DATE OF BIRTH: _____ PLACE OF BIRTH: _____
(CITY, STATE OR COUNTRY)

If your case was dismissed or you were found not guilty, you may disregard the next page of this questionnaire.

IDENTIFYING MARKS (SCARS, TATTOOS, BIRTHMARKS, ETC.): _____

1. List all prior and current employers: _____

2. Would it jeopardize your job if your employer was contacted? _____

3. Have you been convicted of any other violations (list both misdemeanors and felonies)?

4. Have you ever been convicted of or pled guilty to "Non-Support of Dependents?" If yes, list the court and case number. _____

5. What major changes have occurred in your life since your prior conviction? _____

6. Why do you want your record sealed? _____

7. Why should the Court seal your record? _____

I certify that all questions answered are true to the best of my knowledge.

Defendant

Date

**IN THE MUNICIPAL COURT OF XENIA, OHIO
CRIMINAL DIVISION**

STATE OF OHIO

CITY OF _____

CASE NO. _____

Plaintiff,

SSN: _____

v.

DOB: _____

Defendant.

**APPLICATION FOR
ORDER OF SEALING RECORD
(Not Guilty or Dismissal)**

Now comes Defendant pursuant to Ohio Revised Code Sections 2953.52 through 2953.54 and makes application for an Order of Sealing of Record herein following a finding of "Not Guilty" or the dismissal of the Complaint/Citation herein. Applicant says there are no criminal proceedings against him/her, and the interests of the applicant in having the official records pertaining to the case sealed outweigh any legitimate government interests to maintain the records.

WHEREFORE, Defendant respectfully moves the Court for an Order of Sealing of Record herein.

Applicant/Defendant

Address

Phone No.

C: Prosecutor

**IN THE MUNICIPAL COURT OF XENIA, OHIO
CRIMINAL DIVISION**

STATE OF OHIO

CITY OF _____

CASE NO. _____

Plaintiff,

SSN: _____

v.

DOB: _____

Defendant.

**APPLICATION FOR
ORDER OF SEALING RECORD
(Conviction or Bond Forfeiture)**

Now comes Defendant pursuant to Ohio Revised Code Sections 2953.32 through 2953.36 and makes application for an Order of Sealing of Record herein following a conviction or Bond Forfeiture. Defendant states that he/she has fulfilled all sentencing requirements and that more than one (1) year has passed since final discharge.

Defendant further says that he/she is an eligible offender as defined by statute, that there are no criminal proceedings against him/her, that defendant has been rehabilitated, and the interests of the defendant in having the records of this conviction or bond forfeiture sealed outweigh any legitimate government interests to maintain the records.

WHEREFORE, Defendant respectfully moves the Court for an Order of Sealing of Record.

Applicant/Defendant

Address

Phone No.

C: Prosecutor