

The Massillon Municipal Court

The Honorable
Joel C. Fichter
Administrative Judge

Two James Duncan Plaza
Massillon, Ohio 44646-6690

The Honorable
Andrea M. Scassa
Judge

(330) 830-1730
Fax (330) 830-1756
www.massilloncourt.org
www.starkcjis.org

2026 ELIGIBILITY AND INSTRUCTIONS FOR SEALING/EXPUNGEMENT OF CRIMINAL RECORDS

Based upon Ohio Revised Code 2953.31-2953.61

The Clerk of Court, Massillon Municipal Court, and Massillon Municipal Probation department personnel are not permitted to answer legal questions. Please contact an attorney if you need clarification.

WHEN CAN YOU FILE:

1. If convicted of a Misdemeanor, you must wait one (1) year after your final discharge from all probation conditions and orders of your case. (Community Service, Treatment, Jail, Fines/Court Costs, No Related Offense period, and Probation period.)
2. If convicted of a Minor Misdemeanor, you must wait six (6) months after your final discharge from all fines and court costs.
3. If you were found not guilty by the Court or a jury, or your charges were dismissed by a prosecutor or by the Court, you may apply at any time after the finding of not guilty or dismissal.
4. If your charges were presented to the grand jury and they decided there was not enough evidence to indict you, then your case was what is called a “no bill”. You must wait two (2) years after the “no bill” is recorded to apply.

DOES YOUR CRIME QUALIFY FOR SEALING?

Certain offenses may not be sealed and/or expunged, including but not limited to the list below:

1. Convictions for driving offenses which are charged under the Ohio Revised Code sections 4506, 4507, 4510, 4511, or 4549 or any similar offense charged under a municipal ordinance.
2. Convictions of a felony offense of violence that are not a sexually oriented offense.
3. Convictions of a sexually oriented offense where the offender is still subject to sex offender registration.

4. Convictions of an offense in which the victim of the offense was less than 13 years of age. (This does not include non-support offenses.)
5. Convictions of a felony of the first or second degree or of more than two felonies of the third degree.
6. Convictions of Theft in Office.
7. Convictions of Domestic Violence (M1) and (M2). Domestic Violence (M3) and (M4) convictions can be sealed but not expunged.
8. Convictions of Violating Protection Order can be sealed but not expunged.

WHAT DOES THE COURT CONSIDER?

1. Whether the applicant is pursuing sealing or expunging a conviction of an offense that is prohibited;
2. Whether the application was made at the time specified;
3. Whether there are criminal proceedings pending against the applicant;
4. Whether the applicant has been rehabilitated to the satisfaction of the Court;
5. If the prosecutor has filed an objection to granting the application, whether those reasons are sufficient to deny the application;
6. If the victim objected, pursuant to the Ohio Constitution (Marsy's Law), consider the reasons against granting the application based on the victim's objection;
7. Whether the interest of the applicant in having the records sealed outweighs the State's interest in keeping them open;
8. The oral or written statement of any victim, victim's representative, and victim's attorney, if applicable.

IF YOU THINK YOU ARE ELIGIBLE:

1. Complete the application and paper interview, which can be found on our website under the forms link at www.massillonclerk.org. You can also pick up a packet at the Massillon Municipal Court Probation Department or at Court Security, located at Two James Duncan Plaza, Massillon, Ohio 44646.
2. File the application with the Massillon Municipal Clerk of Court on the second floor of Massillon Municipal Court. If you are requesting sealing/expungement for more than one case, the request may be done in a single application.
3. Pay a filing fee of \$100.00 to the Clerk of Court. The Clerk accepts debit card, credit card, and personal checks with a valid ID. You can also pay by money order or certified check. Make checks payable to "Massillon Clerk of Court". Cash may only be used if paid in person. Do not mail cash. You cannot pay

online. The filing fee is non-refundable. The filing fee may be waived if you file an application of indigency and the Court grants the waiver. There is no cost if the case was dismissed.

WHAT HAPPENS AFTER YOU HAVE FILED YOUR APPLICATION?

1. Your application and paper interview will be referred to the Massillon Municipal Court Probation Department for an investigation. You may also be contacted by telephone and asked to provide additional information. The Court will set your case for a hearing within the applicable time limits as required by law after the application and paper interview have been filed. The Prosecutor's office and any victims (if applicable) will be notified and provided a time to object. You will be notified by mail of your hearing date and your appearance will be required. Please provide an accurate address and current telephone number.
2. On the day of your hearing, report to the Massillon Municipal Court Probation Department and the Probation Officer will accompany you to the courtroom. Please arrive early.

THE PURPOSE OF THIS PACKET IS TO HELP YOU REPRESENT YOURSELF IN THE SEALING/EXPUNGEMENT OF YOUR RECORD. NO ATTORNEY/CLIENT RELATIONSHIP HAS BEEN CREATED AND THIS MATERIAL IS NOT TO BE CONSIDERED LEGAL ADVICE. IF AT ANY POINT YOU FEEL THAT THE PROCESS IS TOO CONFUSING, YOU SHOULD SPEAK TO AN ATTORNEY. THIS PACKET PROVIDES GENERAL INFORMATION AND IS NOT A SUBSTITUTE FOR INDIVIDUALIZED LEGAL ADVICE.

**STARK COUNTY BAR ASSOCIATION LAWYER REFERRAL SERVICE 330-453-0686.
COMMUNITY LEGAL AID 330-456-8361.**

**THE MASSILLON MUNICIPAL COURT, BY LAW, IS PROHIBITED
FROM PROVIDING ANY LEGAL ADVICE.**

MASSILLON MUNICIPAL COURT CRIMINAL RECORD SEALING APPLICATION

APPLICATION FOR SEALING OF RECORDS R.C.2953.32 - 2953.52

Full name:		Alias/Maiden Name:	
Address:		Phone Number:	
City:	State:	Zip Code:	
Date of Birth:		SSN:	
Email Address:			

Case Number	Result	Date of Result	Charge(s)
	☐ Conviction ☐ Not Guilty/Dismissal ☐ Bail Forfeiture		
	☐ Conviction ☐ Not Guilty/Dismissal ☐ Bail Forfeiture		
	☐ Conviction ☐ Not Guilty/Dismissal ☐ Bail Forfeiture		
	☐ Conviction ☐ Not Guilty/Dismissal ☐ Bail Forfeiture		
	☐ Conviction ☐ Not Guilty/Dismissal ☐ Bail Forfeiture		

** Use additional boxes on page two, if necessary.

Case Number	Result	Date of Result	Charge(s)
	☐ Conviction ☐ Not Guilty/Dismissal ☐ Bail Forfeiture		
	☐ Conviction ☐ Not Guilty/Dismissal ☐ Bail Forfeiture		
	☐ Conviction ☐ Not Guilty/Dismissal ☐ Bail Forfeiture		
	☐ Conviction ☐ Not Guilty/Dismissal ☐ Bail Forfeiture		
	☐ Conviction ☐ Not Guilty/Dismissal ☐ Bail Forfeiture		
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	☐ Conviction ☐ Not Guilty/Dismissal ☐ Bail Forfeiture		
	☐ Conviction ☐ Not Guilty/Dismissal ☐ Bail Forfeiture		

The above-named applicant states that he/she qualifies for record sealing under the applicable provision of R.C. Chapter 2953.

Filing an application does not guarantee your case will be sealed.

Applicant or Attorney Signature

Date

As an adult (18 years of older) have you ever lived outside of Stark County or Ohio? If **YES**,

City and State

from _____ to _____

City and State

from _____ to _____

City and State

from _____ to _____

1. Please include your \$100.00 filing fee by debit or credit card, personal or certified check, money order, or cash. Make checks/money orders payable to Massillon Clerk of Court. The filing fee is non-refundable.
2. Please keep a copy of this application for your records.
3. Stark County Bar Association Lawyer Referral Service: 330-453-0686.
4. Community Legal Aid: 330-456-8361.

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PROBATION DEPARTMENT SEALING/EXPUNGEMENT INTERVIEW

Please answer **ALL** questions below to the best of your recollection. PLEASE **PRINT** YOUR RESPONSES.

NAME: _____

DOB: _____ SSN: _____ ALIAS/MAIDEN NAME: _____

CASE NUMBER: _____

1. What were you charged with?

2. Explain the incident in detail. Use the back of this sheet if necessary.

3. Are you currently EMPLOYED? YES OR NO

If YES, where are you employed? _____

What is your position/title? _____

How long have you worked there? _____

4. What are your future plans regarding employment?

5. Where did you attend high school? _____

Did you receive your diploma? _____ Did you obtain a G.E.D.? _____

Have you attended any additional schooling? _____

If so, where? Please list name and location of school, your major, type of degree obtained, and the date received:

6. Were you in the Military? _____

If so, list the branch, dates entered/released, and type of discharge:

7. Do you have any other criminal charges on your record? YES OR NO

If YES, please fill out the following:

<u>CHARGE</u>	<u>DATE OF OFFENSE</u>	<u>WHAT COURT</u>

8. Have you had any prior cases Sealed/Expunged? YES OR NO

If YES, please fill out the following:

<u>CHARGE</u>	<u>DATE OF OFFENSE</u>	<u>WHAT COURT</u>	<u>DATE OF SEALING</u>

9. Why are you asking for your record to be Sealed/Expunged?

10. Is there anything else that you think would be beneficial for the Court to know?

11. Please provide your current address and telephone number:

I, the undersigned, acknowledge that the above information is true and correct to the best of my ability. I understand that any incomplete or false statements may cause delays in my pending application to seal/expunge and/or the dismissal of the pending application to seal/expunge.

DATE

SIGNATURE

If you have any questions, please contact the Probation Department at 330-830-2585.

SEALING/EXPUNGEMENT DISCLAIMER

When a Court orders a record sealed and/or expunged, it is effective on the date of the Order to seal/expunge the official record and the record of the arresting agency and jail, if applicable. While a case is pending and until a record is sealed/expunged, it is a public record. While a public record, individuals and private businesses may download information from the Court, police, or jail files. The Court Order to Seal and/or Expunge does not undo such dissemination or apply to private businesses that may have downloaded your case information before the sealing/expungement of your record.

Therefore, private businesses and credit reporting agencies may still have your case information even after your official record is sealed/expunged. If you become aware of such knowledge, it is your responsibility to notify the holder of the information and request that they comply with the spirit of the sealing and expungement law and delete their records. You should be aware that, under current law, they are not required to do so.