

VERMILION MUNICIPAL COURT, VERMILION, OHIO
MOTION TO SEAL THE RECORD

Name: _____ Case Number: _____

**APPLICATION FOR ORDER SEALING RECORD OF
FINDINGS(S) OF NOT GUILTY AND/OR DISMISSAL(S)**

Defendant hereby makes application to the Court pursuant to Ohio Revised Code §2953.52 for the finding of not guilty and/or dismissal in the above-stated Cases(s). Defendant hereby provides the following information:

- 1) Charges(s) to be sealed: _____
- 2) Date(s) of dismissal/not guilty: _____
- 3) If Probation, Date Terminated: _____
- 4) Current Address of Applicant: _____
- 5) Applicant's Telephone: _____
- 6) Applicant's Driver's License Number: _____
- 7) D.O.B. _____
- 8) Social Security Number: _____

AFFIDAVIT:

Defendant states that he/she is an eligible offender and has no criminal proceedings pending; is rehabilitated; and, that the interests of defendant in having the records pertaining to this dismissal and/or finding of not guilty are not outweighed by a legitimate governmental need to maintain those records.

DATE

Defendant/Applicant Signature

Sworn to and subscribed before me this _____ day of _____, 201_____

Clerk/Deputy Clerk/Notary Public

**INFORMATION ABOUT THE EXPEDITED RECORD UPDATE SERVICE
AND NOTICE OF RIGHT TO OPT IN OR OUT**

After you have had your criminal record expunged or sealed by the court, private background companies could still be reporting your criminal record for up to a year or more to potential employers, landlords, or anyone else who purchases a background to check on you. The Ohio Legislature passed a law (O.R.C. 109.38) which authorizes the Attorney General to select a vendor to instruct background check companies to promptly remove your sealed or expunged records. The Law Firm of Higbee & Associates was selected to process these requests. This is an **OPTIONAL** service.

Benefits of the Service:

- Quickly have record(s) expunged or sealed from more than 600 private background check providers.
- Have record(s) promptly removed from background checks.
- Greatly reduces the chance that your expunged or sealed record will appear on a background check and thereby results in denial of a job, housing, or other opportunity.

Risks of Opting Out of the Service:

- Private sector background check companies may take a year or more to purchase updated data from courts and may not discover your criminal record has been sealed or expunged until their next system update.
- When the data at these companies is not updated in a timely manner, it may result in denied employment, housing, and other opportunities.

There is a \$45.00 fee for this service. This fee is in addition to the filing fee to seal/expunge your record. This fee is sent to the law firm by the court and must be paid at the time of filing to seal/expunge the case. For further information or to check the status of your Expedited Record Update Service go to <http://www.RecordGone.comerus>.

**NOTIFICATION OF EXPUNGEMENT/SEALING OF RECORDS BY
QUALIFIED THIRD PARTY**

In addition to your application fee to have your records sealed in the Vermilion Municipal Court you may also request to have a third-party company contact consumer reporting agencies that have databases that include publicly available records of convictions of crimes.

(ORC 2953.32, 2953.37, 2953.38, 2953.53)

1. Costs to send notification of expungement/sealing of records to Higbee & Associates - \$45.00

2. This fee must be paid at the time the application fee for the expungement/sealing of records is paid.

3. The optional \$45.00 will be returned to you if your expungement/sealing of records is denied by the Judge.

I have read the above information and choose:

_____ I **agree (opt in)** to have my expungement/sealing sent to Higbee & Associates (\$45.00)

_____ I **opt out** of having my expungement/sealing sent to Higbee & Associates.

Signature of Defendant

Date Signed

DISCLAIMER: If you **OPT IN** to this program with Higbee & Associates, the Vermilion Municipal Court does not guarantee that every record of your case will be completely eradicated from all data repositories. If you have any question or concerns regarding the effectiveness of this program, please contact Higbee & Associates at <http://www.RecordGone.com/erus>

**IN THE VERMILION MUNICIPAL COURT
ERIE COUNTY, OHIO**

Name: _____ Case Number: _____

JOURNAL ENTRY

Disposition Date: _____

Offense: _____

Defendant has made an Application to Seal the Record of a Dismissal or Finding of Not Guilty ORC §2953.32.

The Court makes the following Order: _____

1. This matter is set for hearing on _____ at _____ .
2. The Prosecuting Attorney shall file written Objections to Defendant's Application, if desired, prior to the date of hearing.
3. The Court shall review the Application, any Objections and reports at the hearing.

Date: _____

Judge W. Zack Dolyk

- () Defendant/Attorney
- () Prosecutor

IN THE VERMILION MUNICIPAL COURT

ERIE COUNTY, OHIO

Name: _____ Case Number: _____

JOURNAL ENTRY SEALING RECORD

Disposition Date: _____

Offense: _____

This matter came on for hearing on _____
, upon Defendant's Application for Order of Expunging Record of arrest, prosecution and Conviction pursuant to Ohio Revised Code Section §2953.32.

The Court, being fully advised in the premises, finds:

The Applicant is an eligible offender;

There is no criminal proceeding pending against the Applicant;

No objections have been filed by the Prosecuting Attorney;

Any objections of the Prosecuting Attorney have been resolved in favor of the Applicant;

That the Applicant's rehabilitation has been attained to the satisfaction of this Court, and;

The expunging of the record of the Applicant is consistent with the public interest.

Therefore, the Court orders that the Clerk of this Court and any other persons or entities in possession of records pertaining to the arrest and/or prosecution of the applicant shall seal such records and delete all index references thereto. The above-mentioned proceedings in such case shall henceforth be deemed to have not occurred, except as provided in Sections 2953.32 et. seq. of the Ohio Revised Code.

Judge W. Zack Dolyk

DOB: _____

Section Number: _____

Conviction Date: _____

Social Security: _____

**IN THE VERMILION MUNICIPAL COURT
ERIE COUNTY, OHIO**

Name: _____ Case Number: _____

This matter came on for hearing on
, upon Defendant's Application for Order of Sealing Record of arrest, prosecution and conviction
pursuant to Ohio Revised Code Section §2953.32.
The Court, being fully advised in the premises, finds: The Applicant is currently not an eligible offender.

Therefore, the application is denied.

Judge W. Zack Dolyk

DISCLAIMER

When a court orders a record sealed, it is effective on the date of the order to seal 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, it is a public record. While a public record, individuals and private business may download information from court, police, or jail files. The court order to seal does not undo such dissemination or apply to private businesses that may have downloaded your case information before the sealing.

Therefore, private businesses may still have your case information even after your official record is sealed. 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 law and delete their records. You should be aware that, under current law, they are not required to do so.

(Applicant's copy)

**IN THE VERMILION MUNICIPAL COURT
ERIE COUNTY, OHIO**

Name: _____ Case Number: _____

Sealing of record will be sent to the following:

- Data Operations Corelogic, 3001 Hackberry Rd., Irving TX 75063
- Automation Research, CBC Companies, Inc., 1651 NW Professional Plaza, Columbus, OH 43220
- C.R. Perrucci Co. LPA, P.O. Box 247, Chagrin Falls, OH 44022
- Genuine Data Service, Attn: Expungements, 12770 Coit Road, Suite 1150, Dallas, TX 75251
- BCI, P.O. Box 365, London, OH 43140
- Hone Data, Attention Kim J., 18021 Cowan, Irvine CA 92614
- Appropriate Arresting Agency

(Applicant's copy)

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ERIE COUNTY, OHIO**

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Arresting Agency

- Vermilion Police Dept.
- E.C. Sheriff's Dept.
- L.C. Sheriff's Dept.
- OSP Post 22
- OSP Post 47
- OSP Post 90

CERTIFICATE OF SERVICE

I hereby certify that a true copy of the Expungement/Sealing journal entry was delivered by regular mail to the above agencies on the _____ day of _____, 20_____.

Clerk/Deputy Clerk