The Canton Municipal Court

2026 ELIGIBILITY AND INSTRUCTIONS FOR SEALING/EXPUNGEMENT OF CRIMINAL RECORDS

Based upon Ohio Revised Code 2953.31-2953.61

The Clerk of Court, Canton Municipal Court, and Canton 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 is 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, which can be found on our website at www.cantoncourt.org. Go to Forms. You can also pick up a packet at the Canton Municipal Court Probation Department located at 218 Cleveland Ave SW, Canton, Ohio 44702.
2. File the application with the Canton Municipal Clerk of 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 "Canton Municipal 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 is dismissed.**

WHAT HAPPENS AFTER YOU HAVE FILED YOUR APPLICATION?

1. The Court will set your case for a hearing within 45 to 90 days from the filing of the application. The Prosecutor's office and any victims (if applicable) will be notified and provided a time to object. A decision will be issued after the hearing. Please provide an accurate address and current telephone number. A notice of this hearing will be mailed to you.
2. The Court will refer your application to the Canton Municipal Court Probation Department for an investigation. **The Interview Packet MUST be turned in with the application for expungement/sealing. A packet that is not completed will delay the expungement/sealing process.**
3. On the day of your hearing, report to the Canton 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 CANTON MUNICIPAL COURT, BY LAW, IS PROHIBITED FROM PROVIDING ANY LEGAL ADVICE.

Record Sealing and Expungement in Ohio

A guide for adult convictions - **UPDATED: October 2023**

OHIO JUSTICE & POLICY CENTER

STEP 1: WHAT OFFENSES CANNOT BE SEALED OR EXPUNGED?

Ohio Revised Code (R.C) 2953.32 to 2953.34 do not apply to any of the following:

- 1st or 2nd degree felonies
- A 3rd degree felony if applicant has (2) or more felonies of any degree
- A 3rd degree felony if applicant has exactly (2) 3rd degree felonies + (2) misdemeanors + any other convictions
- Traffic convictions
- Felony offenses of violence that are not sexually oriented offenses
- Sexually oriented offenses when the applicant is subject to the requirements of Chapter 2950 of R.C. (sex offender registry)
- Offenses in which the victim of the offense was less than 13 years old (Note: this does not apply to nonsupport of dependents.)
- Domestic Violence convictions **(Note: 4th degree misdemeanor sealing is allowed.)**
- Violating Protection Order convictions

Sexually Oriented Offenses (per R.C. 2950.01)

2905.02(B)	Abduction
2903.01	Aggravated murder*
2907.21	Compelling prostitution
2905.05(B)	Criminal child enticement
2919.22(B)(5)	Endangering children
2903.11	Felonious assault*
2907.05	Gross sexual imposition
2907.323	Illegal use of minor in nudity-oriented material or performance
2907.07	Importuning
2903.04(A)	Involuntary manslaughter*
2905.01	Kidnapping*
2903.211(A)(3)	Menacing by stalking
2903.02	Murder*
2907.32	Pandering obscenity
2907.321	Pandering obscenity involving a minor or impaired person
2907.322	Pandering sexually oriented matter involving a minor or impaired person
2907.22	Promoting prostitution
2907.09	Public indecency*
2907.02	Rape
2907.03	Sexual battery
2907.06	Sexual imposition
2905.32	Trafficking in persons*
2905.03(B)	Unlawful restraint
2907.04	Unlawful sexual conduct with minor*
2903.03(B)	Voluntary manslaughter
2907.08	Voyeurism

*Check R.C. 2950.01 for extended definition.

Offenses of Violence (per R.C. 2901.01)

2905.02	Abduction
2909.02	Aggravated arson
2903.12	Aggravated assault
2911.11	Aggravated burglary
2903.21	Aggravated menacing
2903.01	Aggravated murder
2917.02	Aggravated riot
2911.01	Aggravated robbery
2909.03	Arson
2903.13	Assault
2911.12 (A)(1), (2), or (3)	Burglary
2919.25	Domestic violence
2919.22(B)(1), (2), (3), or (4)	Endangering children
2921.34	Escape
2905.11	Extortion
2903.11	Felonious assault
2907.12	(former) Felonious sexual penetration
2907.05	Gross sexual imposition
2923.161	Improperly discharging firearm
2917.01	Inciting to violence
2917.31	Inducing panic
2921.03	Intimidation
2921.04	Intimidation of attorney, victim, or witness
2903.04	Involuntary Manslaughter
2905.01	Kidnapping
2903.22	Menacing
2903.211	Menacing by stalking
2903.02	Murder
2903.34(A)(1)	Patient Abuse or Neglect
2903.15	Permitting child abuse
2907.02	Rape
2917.03	Riot
2911.02	Robbery
2907.03	Sexual battery
2903.18	Strangulation or suffocation
2917.321	Swatting
2909.24	Terrorism
2905.32	Trafficking in Persons
2903.03	Voluntary Manslaughter

STEP 2: HAVE YOU SATISFIED THE WAITING PERIOD?

SEALING WAITING PERIODS:

If applying to seal a minor misdemeanor	→	Wait six months after discharge.
If applying to seal a misdemeanor	→	Wait one year after the misdemeanor* is discharged.
If applying to seal a fourth or fifth degree felony	→	Wait one year after the fourth or fifth degree felony* is discharged.
If applying to seal one or two third degree felonies	→	Wait three years after the third degree felony* is discharged.
If applicant subject to Chapter 2950 (sex offender registry)	→	Wait five years after requirements have ended.

*So long as none of the offenses is a violation of R.C. 2921.43. If the record includes a violation of R.C. 2921.43, applicant must wait seven years.

EXPUNGEMENT WAITING PERIODS:

If applying to expunge a minor misdemeanor	→	Wait six months after discharge.
If applying to expunge a misdemeanor	→	Wait one year after the misdemeanor is discharged.
If applying to expunge a fourth or fifth degree felony	→	Wait eleven years after fourth or fifth degree felony is discharged.
If applying to expunge one or two third degree felonies	→	Wait thirteen years after the third degree felony is discharged.

A case is "discharged" when a person has fully completed any jail or prison sentence, any terms of probation or parole, and all payments of fines or fees that were a penalty for the conviction. Court costs are not part of a sentence, and unpaid court costs should not block an application.

STEP 3: WHEN CAN A PERSON APPLY?

Are there pending criminal charges? The court will not seal or expunge any record if the applicant is facing pending charges. Applicants should wait until any pending cases have resolved. Depending on where in Ohio their records are, that could include completing requirements like probation.

Is the applicant unlikely to re-offend? Applicants must be able to show that they have been "rehabilitated to the satisfaction of the court." Applicants must also show that their interest in sealing a record is greater than any legitimate government needs to maintain those records.

STEP 4: HOW DOES A PERSON APPLY?

For each offense, complete an application in each court where there is a case to be sealed or expunged. **The filing fee may be between $50-100 per court, not per case number.**

Every court has its own application forms and processes, so contact the Clerk of Courts to find out what documents to file and how to file them.

A person can ask the court to waive this fee by completing a poverty affidavit (sometimes called an "affidavit of indigence"). If a hearing is scheduled, the applicant must attend.

STEP 5: WHY SHOULD A PERSON APPLY?

"Sealing" and "expungement" are words that certain jurisdictions sometimes use interchangeably, but they are not the same thing. A granted expungement deletes, destroys, and erases a record—sealing does not do this. Some employers and professional licensing boards may still be able to see sealed conviction records (e.g. nursing, childcare, and security-related employment). Further investigation may be needed to evaluate individual circumstances.

NOTE: CHANGES TO NON-CONVICTION SEALING/EXPUNGEMENT

As of October 2023, Ohio law was expanded to allow for non-convictions (not guilty, dismissals, no bills) to be sealed AND expunged. Previously, only sealing was available. There are no exceptions to what non-conviction can be sealed, but there are exceptions to what non-conviction can be expunged. Please consult R.C. 2953.33 or an attorney.

Document updated: October 2023

If you have questions about record sealing/expungement, eligibility and other ways to overcome the barriers of a criminal conviction, register to participate in OJPC's Second Chance Legal Clinic at www.ohiojpc.org.

Disclaimer: This guide is a general source of information about criminal record sealing. It is not a substitute for individualized legal advice. For answers to specific questions, it is best to consult an attorney.

Ohio Justice & Policy Center
215 East Ninth Street
Suite 601
Cincinnati, OH 45202
513-421-1108
ohiojpc.org

OHIO JUSTICE & POLICY CENTER

CAN I GET ANOTHER COPY OF MY GRANTED EXPUNGEMENT ENTRY? **NO**

PLEASE NOTE THAT THE COPY YOU RECEIVE OF YOUR GRANTED EXPUNGEMENT IS THE ONLY COPY YOU WILL RECEIVE.

ONCE YOUR EXPUNGEMENT IS PROCESSED WE ARE UNABLE TO PROVIDE A COPY AS THE RECORD WILL BE DESTROYED.

IT IS YOUR RESPONSIBILITY TO KEEP YOUR COPY OF YOUR GRANTED EXPUNGEMENT RECORD.

CAN I GET ANOTHER COPY OF MY SEALING ENTRY? **YES**

IF YOUR CASE WAS SEALED AND NOT EXPUNGED, THIS MEANS A RECORD STILL EXISTS BUT YOU

MUST PROVIDE PROOF OF YOUR IDENTITY TO THE CLERK OF COURT TO GET A COPY. THE CASE

IS 'SEALED' AND NOT DESTROYED.

CANTON MUNICIPAL COURT, STARK COUNTY, OHIO

OFFICIAL RECORD SEALING/EXPUNGEMENT APPLICATION

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

The above named individual/defendant ("applicant") moves this Court for an order sealing all official records and, as may be applicable or appropriate, expunging all official records in the following case/cases:

Case No.:

Applicant states that eligibility is met and applicant has waited the required time from final discharge.[1] [2]

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[1] Final Discharge: For an offense to be finally discharged and eligible for record sealing or expungement, the following must be completed: any jail or prison sentence; any probation or period of good behavior; any community service; and all fines and restitution are paid.

[2] Record Sealing Waiting Period: 3rd degree felonies=3 years; 4th and 5th degree felonies=1 year; 1st through 4th degree misdemeanors=1 year; minor misdemeanors=6 months; dismissal/not guilty=none; no bill=2 years. Expungement Waiting Period: 3rd degree felonies=14 years; 4th and 5th degree felonies=11 years; 1st through 4th degree misdemeanors=1 year; minor misdemeanors=6 months; dismissal/not guilty=none; no bill= 2 years.

Further applicant states that no case involves a conviction for a felony level offense of violence or a felony level sex offense or any conviction where the victim at the time of the offense was thirteen or younger. No conviction is for domestic violence, other than M4 domestic violence sealing only, or violating a protection order or a conviction under O.R.C. §4506, §4507, §4510, §4511, or §4549.

The interests of the applicant in pursuing a sealing and expungement are not outweighed by any legitimate governmental needs. The applicant further provides evidence of rehabilitation as follows: _____

_____

_____ _____

Applicant Date

1. Please include your $100.00 filing fee or Poverty Affidavit. 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: 330-535-4191

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.

The Canton Municipal Court

SEALING/EXPUNGEMENT QUESTIONAIRE

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

NAME:_____

DOB:_____SSN:_____ALIAS/MAIDEN NAME: _____

CASE NUMBER:_____

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

_____

_____

_____

_____

_____

_____

_____

_____

_____

_____

_____

2. Are you currently EMPLOYED? YES OR NO

If YES, where are you employed? _____
What is your position/title? _____
How long have you worked there? _____

3. What are your future plans regarding employment?

_____

_____

_____

4. Were you in the Military? _____
If so, list the branch, dates entered/released, and type of discharge: _____

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

_____

_____

_____

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

The Questionnaire Packet MUST be turned in with the application for expungement/sealing. A packet that is not completed will delay the expungement/sealing process. Canton Municipal Probation Department may be contacting with follow up questions regarding the interview packet. Please provide updated contact information. If you have any questions, please contact Kristen Kaplanis at 330-438-4198

CLERK OF COURTS: THIS IS NOT A PUBLIC RECORD;
PLEASE RETURN TO PROBATION WITH APPLICATION

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