

FRESH START EXPUNGEMENT CLINIC

LAW OFFICE OF THE HAMILTON COUNTY PUBLIC DEFENDER

WE CAN HELP CLEAN UP YOUR CRIMINAL AND
JUVENILE RECORDS AND GIVE YOU A FRESH START



Contact

Public Defender's Office

230 East 9th Street
Cincinnati, OH 45202
513-946-3700
513-946-3808 (fax)

Fresh Start Program Walk-in Clinic Location & Hours:

125 East Court Street, 9th Flr (same building as Dunkin Donuts & Tom & Chee)
Cincinnati, OH 45202
513-946-3692
Email: freshstart@cms.hamilton-co.org

**HOURS: 1st and 3rd Wednesday of every month.
1pm – 4pm**

No appointment necessary, but please bring a copy of your adult criminal record.

- In Hamilton County, you can obtain a copy at the Hamilton County Sheriff's Office, located at the Hamilton County Justice Center, 1000 Sycamore Street, Cincinnati, Ohio 45202. The cost is \$5.00 (*cash only*).
- Please note we cannot expunge your out-of-county or out-of-state convictions, you must apply for expungement through that particular county or state.

Call for information on qualifying for free representation and documents needed or visit us at www.hamiltoncountypd.org

**LAW OFFICE OF THE HAMILTON COUNTY PUBLIC DEFENDER
JUVENILE DIVISION**

**WE CAN HELP SEAL AND EXPUNGE YOUR JUVENILE RECORDS
AND GIVE YOU A FRESH START**

**EVEN AFTER YOU BECOME AN ADULT, CERTAIN PERSONS AND AGENCIES
CAN STILL ACCESS YOUR JUVENILE RECORDS AND USE THEM AGAINST YOU
UNLESS YOU TAKE STEPS TO SEAL AND EXPUNGE THOSE RECORDS**

YOUR DISPOSITION DATE: _____, 201__

**DATE YOU CAN FILE TO
SEAL AND EXPUNGE:** _____, 201__

YOUR ATTORNEY'S NAME: _____

AND NUMBER: _____

**OR YOU CAN ATTEND OUR
FRESH START EXPUNGEMENT CLINIC**



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CHECKLIST FOR CLIENTS

YOU MUST ATTEND YOUR EXPUNGEMENT HEARING

ARRIVE EARLY (30 minutes before court)

DRESS APPROPRIATELY – NOT FLASHY

BRING YOUR ID

JUDGE MAY QUESTION YOUR AFFIDAVIT OF INDIGENCY

FELONY

NOTE: Clerk of Courts will send postcard with your court date

- Contact us (513.946.3692) if you have not received postcard within 6 weeks
- Court date is normally 2-3 weeks after postcard
- If prosecutor sends written objections before hearing, contact us immediately (513.946.3692)
- If prosecutor objects at hearing, respectfully request a continuance to get a lawyer; contact us immediately (513.946.3692)
- Public Defender will appear with you at next hearing
- If no objections from prosecutor, judge will normally grant expungement immediately
- Get certified copy of entry granting expungement (all cases) before leaving courtroom***

MISDEMEANOR

NOTE: Letter sent from Public Defender within a week advising you of court date

- Approximately 6 weeks for expungement hearing
- If prosecutor objects to expungement, respectfully request a continuance to get a lawyer; contact us immediately (513.946.3692)
- Public Defender will appear with you at next hearing
- If no objections from prosecutor, judge will normally grant expungement immediately
- Get certified copy of entry granting expungement (all cases) before leaving courtroom***

If you have unpaid court costs and fines, try to pay those PRIOR to going to court.

You can pay unpaid court costs and fines at the Hamilton County Justice Center.

Unpaid court costs and fines could delay the granting of your expungement.

CONVICTIONS THAT CANNOT BE EXPUNGED UNDER R.C.2953.36

I. OFFENSES THAT ARE **INELIGIBLE** FOR PROBATION, COMMUNITY CONTROL OR FOR WHICH A MANDATORY PRISON TERM MUST BE IMPOSED.

II. ANY F-1 or F-2

III. TRAFFIC/DRIVER LICENSE OFFENSES INCLUDING OVI

4506	Commercial Drivers Licensing Offenses
4507	Driver's License Offenses
4510	Driver's License Suspension, Cancellation, Revocation
4511	Traffic Laws - Operation of Motor Vehicles
4549	Motor Vehicle Crimes

...Or a conviction for a violation of a municipal ordinance that is substantially similar to any section contained in the chapters above or designated below.

TRAFFIC OFFENSES CAN NEVER BE SEALED, (**traffic dismissals can be sealed**) BUT THEY ARE NOT COUNTED AS CRIMINAL CONVICTIONS (THEY DO NOT PREVENT YOU FROM GETTING OTHER OFFENSES SEALED) UNLESS THEY ARE ONE OF THE AUTOMOBILE OFFENSES BELOW.

4510.14	Driving under suspension related to a OVI or refusal to take breathalyzer/chemical test
4511.19	OVI
4511.251	Street racing
4549.02.	All types of hit-and-runs
4549.021	
4549.03	
4549.042	Sale or possession of a master key designed to fit more than one vehicle
4549.42	Tampering with an odometer
4549.45	Knowingly offering to sell a car whose odometer was tampered with
4549.62	Offenses with purpose to conceal or destroy identity of car or its parts

IV. ANY OFFENSE OF VIOLENCE DEFINED IN R.C. 2901.01, AS INDICATED BELOW (MUST BE AN M-1 OR FELONY).

2903.01	Aggravated Murder
2903.02	Murder
2903.03	Voluntary Manslaughter
2903.04	Involuntary Manslaughter
2903.11	Felonious Assault
2903.12	Aggravated Assault
2903.13	Assault (Felonies only; M-1 eligible)
2903.15	Permitting Child Abuse
2903.21	Aggravated Menacing
2903.211	Menacing By Stalking
2903.22	Menacing (Felonies and M-1 only;M-4 eligible)
2905.01	Kidnapping
2905.02	Abduction
2905.11	Extortion
2905.32	Compulsion to Involuntary Servitude
2907.02	Rape
2907.03	Sexual Battery
2907.05	Gross Sexual Imposition
2907.12	Former Section -Felonious Sexual Penetration
2909.02	Aggravated Arson
2909.03	Arson
2909.24	Terrorism [One Degree Higher Than Most Serious Underlying Specified Offense]

- 2911.01 Aggravated Robbery
- 2911.02 Robbery
- 2911.11 Aggravated Burglary
- 2911.12 Burglary (A) (1)(2)or (3)

- 2917.01 Inciting To Violence (F-3 only;M-1 eligible)
- 2917.02 Aggravated Riot
- 2917.31 Inducing Panic (Felonies only; M-1 eligible)

- 2919.22 Endangering Children
- 2919.25 Domestic Violence (M-1 only; M-4 threat eligible)

- 2921.03 Intimidation
- 2921.04 Intimidation-Witness Or Victim
- 2921.34 Escape
- 2923.161 Discharge Firearm into Habitat or School

IV. IF THE VICTIM IS UNDER THE AGE OF 18 YEARS OLD & IF CONVICTION WAS ON/AFTER OCTOBER 10, 2007.

- 2907.08 Voyeurism
- 2907.09 Public Indecency
- 2907.21 Compelling Prostitution
- 2907.22 Promoting Prostitution
- 2907.23 Enticement or solicitation to patronize a prostitute; Procurement of a prostitute for another
- 2907.31 Disseminating Matter Harmful To Juveniles
- 2907.311 Displaying Matter Harmful To Juveniles
- 2907.32 Pandering Obscenity
- 2907.33 Deception To Obtain Matter Harmful To Juveniles

V. OTHER SEX OFFENSES

- 2907.321 Pandering Obscenity Involving a Minor
- 2907.322 Pandering Sexually Oriented Matter Involving A Minor
- 2907.323 Illegal Use of Minor In Nudity-Oriented Material Or Performance
- 2907.04 Unlawful Sexual Conduct W/Minor
- 2907.06 Sexual Imposition
- 2907.07 Importuning (If conviction was on or after October 10, 2007)

VI. BAIL FORFEITURES IN A TRAFFIC CASE (TRAFFIC RULE 2)

VII. ANY CONVICTION OF AN OFFENSE THAT IS AN M-1 OR FELONY AND VICTIM WAS UNDER AGE 16 YEARS OF AGE (WITH THE EXCEPTION OF 2919.21-NON-SUPPORT OF DEPENDENTS).

VIII. WAITING PERIODS

- Misdemeanor - One (1) year after the completion of the sentence
- Felony - Three (3) years after the completion of the sentence
- Ignored Case - Two (2) years after Grand Jury report ignoring case
- Dismissal or Acquittal - No waiting period

JUVENILE ADJUDICATIONS THAT CANNOT BE SEALED OR EXPUNGED

- 2903.01 Aggravated Murder
- 2903.02 Murder
- 2907.02 Rape

Application to seal can be filed six months after final disposition. If sealing is granted, it may be expunged immediately. Sealed charges are expunged automatically after 5 years or at the age of 23, whichever occurs first.

Expungement Eligibility	
01/01/2014 - 01/29/2018	
Summary	
	SUMMARY -All
Total Clients Who Came In	3184
Total Interviews	2263
Not Eligible Due to Income	355
Number of Eligible Clients	1908
Total Cases	22172
Number of Cases Not Eligible	13093
Number of Eligible Cases	9079
Eligible Cases Expunged	5980

TIME LINE ONCE AN EXPUNGEMENT HAS BEEN GRANTED
AND ENTRY PUT ON BY COURT

COMMON PLEAS CLERK RECEIVES THE ENTRY :
A COPY IS THEN SENT TO:

1. FBI
2. BCI
3. HAMILTON COUNTY PROBATION DEPARTMENT
4. HAMILTON COUNTY PROSECUTORS OFFICE
5. ASSIGNMENT COMMISSIONERS OFFICE
6. HAMILTON COUNTY SHERIFFS DEPARTMENT- Becky Moss 66214
7. ARRESTING POLICE AGENCY
8. MUNI EXP CLERK: MATT
9. DEFENDANT

MUNICIPAL EXPUNGEMENT CLERK RECEIVES THE ENTRY:
MAILS COPY OF ENTRY TO:

1. SHERIFFS' OFFICE
2. ARRESTING AGENCY/ POLICE DEPARTMENT
3. BUREAU OF MOTOR VEHICLES
4. OHIO BCI- C/O Belinda Davis
P.O. Box 365
London, Ohio 43140
Phone: (740) 845-2331
5. CORRECTIONS: "If they were held/incarcerated on a case that
was a non-conviction"
6. PROSECUTOR

HAMILTON COUNTY PUBLIC DEFENDER'S OFFICE
FRESH START EXPUNGEMENT CLINIC

Imagine spending your adult life, regretting crimes that you committed as a teenager or young adult. Imagine applying for jobs you truly want; being tested; passing the tests; going to interviews over and over; and all of that going well. Then you receive a call or an email, advising you that "because of your record," we cannot hire you. Imagine 10 or 20 or even 30 years of that. We all make mistakes at some point in our lives. We all make poor choices that we regret.

The Fresh Start Expungement Clinic was started to assist such people in Hamilton County, Ohio who wish to clean up their criminal records. We are also there to provide information regarding employment options, including potential employers that will hire persons with convictions. We also offer drug rehabilitation assistance program information, and other information regarding Certificates of Eligibility for Employment which can be gained with the assistance of the Ohio Justice and Policy Center. We receive approximately 10 to 20 calls per day regarding questions and eligibility for expungement and sealing of records. We also receive emails with questions regarding expungement, and those are returned promptly.

Chris Jones, Director of the Appellate Division of the Hamilton County Public Defender's Office, began research into such a clinic in Spring of 2013; by October of 2013, the Fresh Start Clinic was up and running full speed ahead. In the early stages, the clinic progressed via trial and error. Word was spread by our Mitigation/Client Representation Specialist, Cheryl Horne, by means of radio, festivals, flyers, church functions, prison and jail visits and the Clerk of Courts. Chris Jones, along with Felony Paralegal, Rosiland Porter; Executive Assistant, Vivian Zieverink; I.T. Director, Debbie Hoffmann; and volunteer defense attorneys began the clinic. With hundreds of clients attending, information for applicants was initially entered by hand. This was challenging, but only encouraged us to work harder, to make things run smoother, to make our clinic successful. With the help of our I.T. department streamlining the process, determination and perseverance has led us to national recognition.

Since that time in 2013, the Law Office of the Hamilton County Public Defender has assisted well over 4,000 clients and filed for expungement in over 22,172 cases. Of that number, 13,093 cases were not eligible, 9,079 were eligible with a final number of 5,980 cases expunged to date. This number does not reflect those helped in 2013, as data was not immediately collected. This number also does not reflect the additional Juvenile record applications that have been prepared by Juvenile Director, Kathy Ancona and Appellate Attorney, Julie Nessler and subsequently sealed and expunged.

There are a number of steps our clients must take to determine if they are eligible for our assistance. Our clients must first go to the Hamilton County Justice Center to attain a copy of their police record. There is a \$5.00 cash fee for that. Our clients then attend our clinic, which is held the first and third Wednesday of every month, at 125 East Court Street, on the 9th Floor. This is our Hamilton County Public Defender Juvenile Division which is a larger venue. Typically, we help anywhere from 25 to 45 people per Clinic.

Once at our clinic, each person must take a number and wait. When called, their record is reviewed by a panel of attorneys who then determine if they have cases that are eligible for expungement/sealing. If they are eligible, they then meet with a financial qualifier to determine if they fall within the State mandatory standards of indigency. If they meet those qualifications, their paperwork is then reviewed by Appellate Director, Chris Jones, for a final check.

After that, each person is called back by a paralegal, and applications for all the cases that are eligible for expungement/sealing are then prepared. We have a computer program implemented to assist the paralegal do this. After providing proof of identification, each client is sworn, the applications are signed and then notarized. If we determine that a person may have outstanding court costs and/or fines that are due and owing, we make sure they are aware of the amount, and encourage them to pay it if possible, prior to appearing in court. If they are unable to pay, we make them aware that perhaps the Court might consider community service in lieu of paying the outstanding costs.

The applications are then rechecked, copied, and filed with the appropriate Clerk. Court dates are sent to our clients, and they are given instructions to be timely to court. Our clients then appear in court on their own, which can be intimidating to them. If there is an objection from the Court or Prosecuting Attorney, our clients will respectfully request a continuance to get an attorney. They will then return to us and we will provide representation for them. In the end, being able to put the past behind them is the best!

Attached is a sheet that has been compiled by Director, Christine Jones, which indicates convictions that cannot be expunged under R.C. 2953.36. This list will help to better understand the laws, as they can be complicated and do change from time to time. Other attached documents include our flyers for the clinic, a client checklist, explanation of what happens after expungement is granted, and data on number of people attending the clinic and helped.

Client-centered representation is what public service is all about and why this work is so rewarding. The Fresh Start Clinic in Hamilton County, Ohio does just that.

This program, if implemented by more public defender offices around the country, could offer great hope to those that have made unwise choices; and to not only assist them with their criminal cases, but to help them after to seal those cases, whether they resulted in a conviction or dismissal. In being able to seal these matters, avenues to housing and employment are suddenly open for our clients. That is our clinic's goal - to get our clients past the worst time of their lives.

Together we can and will assist people to move forward!