

1 Pro-se
190 Stockmoor Rd,
2 Columbia, SC 29212

3 Supreme Court of Ohio
4

5 State of Ohio,

6 Plaintiff,

7 vs.

8 Marlon Pariag,

9 Defendant

) Case No.: 2012-0819

) **Motion to Seal**

11
12 It is with great respect that I ask the Supreme Court of Ohio to issue an order to
13 seal the records pertaining to the above referenced case.

14 An order was issued in the Franklin County Municipal Court on June 3, 2011 ordering
15 that all official records pertaining to case # 2011 CR B 239-1-2 be sealed.

16
17 At this time while this order is being appealed, all of the details of this case are
18 viewable on the internet for any and all individuals to see without having to do a
19 search of the files of the courts. Just by a simple name search on the internet, this
20 information is available.

21
22 I am requesting that the court seal all records pertaining to this case while this is
23 under review by the Supreme Court.

24
25 Included with this motion is a copy of the order issued by the Franklin County
26 Municipal Court.

27 **FILED**
28 NOV 14 2012
29 CLERK OF COURT
30 SUPREME COURT OF OHIO

Dated this November 6, 2012

[Handwritten Signature]
190 Stockmoor Rd,
Columbia, SC 29212

31 **RECEIVED**
32 NOV 13 2012
CLERK OF COURT
SUPREME COURT OF OHIO

IN THE FRANKLIN COUNTY MUNICIPAL COURT
COLUMBUS, OHIO

IN THE MATTER OF THE : 2011 CR X 050583
APPLICATION FOR THE SEALING :
OF THE RECORDS OF : SSN 579-11-4288

MARLON GARTH PARIAG :
 : DOB 11/20/1965
 :
 : YEAR/CASE NUMBER:
 : 2011 CR B 239-1-2

ENTRY

THIS MATTER CAME BEFORE THE COURT ON AN APPLICATION FOR THE SEALING OF THE RECORDS FILED PURSUANT TO R.C. 2953.52. UPON DUE CONSIDERATION, THE COURT FINDS THAT: (1) THE APPLICANT WAS FOUND NOT GUILTY OR THE COMPLAINT, INDICTMENT OR INFORMATION WAS DISMISSED; (2) THERE IS NO CRIMINAL PROCEEDING PENDING AGAINST THE APPLICANT; (3) THE APPLICATION WAS FILED IN A TIMELY MANNER; AND (4) THE INTERESTS OF THE APPLICANT ARE NOT OUTWEIGHED BY ANY LEGITIMATE GOVERNMENTAL NEED TO MAINTAIN SUCH RECORDS. *THE COURT ALSO FINDS THAT THE ASSOCIATED TRAFFIC CONVICTION DOES NOT PRECLUDE THIS EXPUNGEMENT.*

IT IS ORDERED THAT ALL OFFICIAL RECORDS PERTAINING TO THE CASE BE SEALED AND THAT, EXCEPT AS PROVIDED IN R.C. 2953.53, THE PROCEEDINGS IN THE CASE BE DEEMED NOT TO HAVE OCCURRED.

IT IS FURTHER ORDERED THAT NO OFFICER OR EMPLOYEE OF THE STATE, OR ANY POLITICAL SUBDIVISION THEREOF WHO HAS KNOWLEDGE OF THIS ORDER, SHALL KNOWINGLY RELEASE, DISSEMINATE OR MAKE AVAILABLE FOR ANY PURPOSE INVOLVING EMPLOYMENT, BONDING OR LICENSING IN CONNECTION WITH ANY BUSINESS, TRADE OR PROFESSION TO ANY PERSON, OR TO ANY DEPARTMENT, AGENCY OR OTHER INSTRUMENTALITY OF THE STATE OR ANY POLITICAL SUBDIVISION THEREOF, ANY INFORMATION OR OTHER DATA CONCERNING ANY ARREST, COMPLAINT, INDICTMENT, INFORMATION, ADJUDICATION OR CORRECTIONAL SUPERVISION, THE RECORDS WHICH HAVE BEEN SEALED PURSUANT TO THIS ORDER.

THE CLERK IS HEREBY ORDERED TO SEND A COPY OF THIS ENTRY BY CERTIFIED MAIL TO:

_____ BCI _____ CPD _____ FCSO _____ APPLICANT _____ OTHER: _____

6/3/11
DATE

David J. ...
JUDGE TYACK

objection filed
COLUMBUS CITY ATTORNEY

COUNTY PROSECUTOR

IN THE FRANKLIN COUNTY MUNICIPAL COURT
COLUMBUS, OHIO

In the Matter of the Application of:

MARLON G. PAIRIAG

CASE NO. 2011 CRX 50583
JUDGE TYACK

JUDGMENT ENTRY

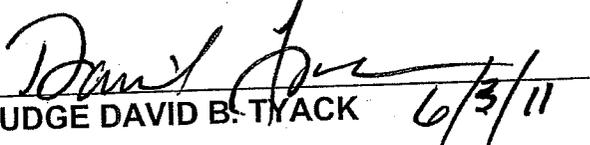
This matter came before the Court on May 16, 2011, upon Defendant's application to seal the records in this case pursuant to Chapter 2953 of the Ohio Revised Code. O.R.C., Section 2953.61 addresses the situation when there are multiple charges that arise out of a single act and the charges have different dispositions. That section provides that any one of those charges may not be expunged until the time requirements relating to all of the charges is satisfied. The Plaintiff has filed an objection to the sealing, citing R.C., Section 2953.61 in support of the belief that the Defendant/Applicant is precluded from sealing the records in this criminal case because an associated traffic case is not ever able to be expunged, thus the instant case cannot be expunged.

This exact issue was addressed by the 10th District Court of Appeals in *In the Matter of Jeffrey T. Hankins, Appellant*, 2000 WL 633591 (Case No. 99AP-797). That Court held that it was not the legislature's intent to preclude an individual from applying for an expungement of another otherwise expungeable offense by virtue of a traffic case conviction charged out of the same incident. In that case, the Court reversed the denial of an expungement of an open container charge because the defendant was convicted of speeding from the same incident.

This Court follows the precedent in the above-cited case in finding that in this case, the traffic conviction arising from the same incident does not preclude the Defendant from applying for an expungement of the dismissal of this associated criminal case. The Court further finds that the Defendant is otherwise qualified to have this case

not outweighed by any legitimate

governmental need to maintain such records, and therefore such expungement is granted by separate Entry.


JUDGE DAVID B. TRACK 6/3/11

cc by hand delivery:

Melanie R. Tobias, Assistant City Prosecutor
Andrew Jones, Attorney for Defendant

CERTIFICATE OF SERVICE

I, Marlon Pariag, hereby certify that on 11/14/12, I

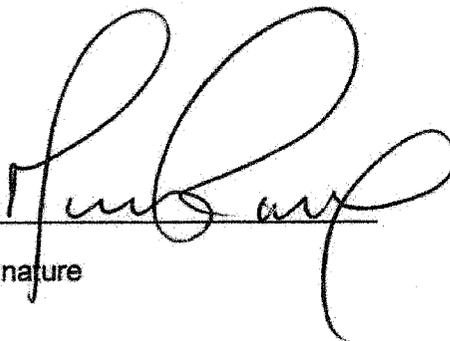
Served copies of MOTION TO SEAL

On the following parties by way of U.S. Mail:

Franklin County Court of Appeals,
Tenth Appellate District
MELANIE R. TOBIAS (0070499), COUNSEL OF RECORD
DIRECTOR - APPELLANT UNIT
375 South High Street, 17^h Floor
Columbus, Ohio 43215-4530

COUNSEL FOR APPELLANT, STATE OF OHIO

11/14/12
DATE


Signature