



Relief from a Firearm Disability Pro Se Packet

What is a firearm disability?

Under both State and Federal law, there are certain convictions and circumstances that disable (or make it illegal) you from possessing a firearm.

Under Ohio Law (R.C. 2923.13), you cannot “acquire, have, carry, or use any firearm or dangerous ordnance” if any of the following apply:

1. You are a “fugitive from justice.”
2. You are either *under indictment for*, *have been convicted of*, or were *adjudicated delinquent of*:
 - A felony offense of violence, or
 - A felony drug offense
3. You are “drug dependent, in danger of drug dependence, or a chronic alcoholic.”
4. You are “under adjudication of mental incompetence, has been adjudicated as a mental defective, has been committed to a mental institution, has been found by a court to be a mentally ill person subject to court order, or is an involuntary patient other than one who is a patient only for purposes of observation.”

Under Federal Law (18 U.S.C. § 922(g)), you cannot ship or transport, possess, or receive any firearm or ammunition if any of the following apply:

1. You have a conviction for a crime in any court “punishable by imprisonment for a term exceeding one year;” (Note this means that your conviction *could* have been punished by more than year in prison; it does not matter what sentence you actually received).
2. You are a “fugitive from justice.”
3. You are an “unlawful user of or addicted to any controlled substance.
4. You have been adjudicated as a mental defective or committed to a mental institution.
5. You are an “alien” who is illegally in the United States.
6. You were dishonorably discharged from the Armed Forces.
7. You renounced your U.S. citizenship.

8. You are subject to a restraining order that involves harassing, stalking, or threatening an “intimate partner” or a child of the “intimate partner.
9. You have been convicted of a misdemeanor crime of domestic violence.

Can I be relieved of a disability based upon a conviction?

Perhaps. Ohio law provides a mechanism that allows many individuals to seek relief from their firearm disability.

You cannot obtain relief from a disability, however, if you were convicted of a violation under R.C. 2923.312 (use of a weapon by a violent career criminal) *or* if you have been convicted two or more times of a felony that included a firearm specification from R.C. 2941.141, 2941.144, 2941.145, 2941.146, 2941.1412, or 2941.1424.

A judge *may* grant you relief from disability for any other conviction if all the following are true:

- You have been “fully discharged from imprisonment, community control, post-release control, and parole;”
- You have “led a law abiding life since discharge or release, and appears likely to continue to do so;”
- You are “not otherwise prohibited by law from acquiring, having, or using firearms.

Even if you meet all these criteria, the trial court is not required to relieve you of the disability. The trial court still has discretion to grant or deny the request.

How do I file?

You file your petition for relief from disability as a civil case in the county in which you reside. You will need to:

1. Complete both: 1) the Civil Designation Form (in Cuyahoga County select 1501 Misc. Other”), and 2) application for relief from disability.
2. If you are indigent and cannot afford the \$250 civil filing fee, complete the attached Civil Fee Waiver Affidavit and Order
3. File it in the Clerk’s Office on the first floor of the Justice Center.
4. Serve a copy of the application on the Prosecutor’s Office on the ninth floor of the Justice Center.

INTRUCTIONS FOR COMPLETING PETITION – DO NOT FILE THIS

IN THE COURT OF COMMON PLEAS
CUYAHOGA COUNTY, OHIO
CRIMINAL DIVISION

IN RE: : CASE NO:
(INSERT NAME) : JUDGE
(INSERT ADDRESS)
(INSERT Date of Birth) : APPLICATION FOR RELIEF
(INSERT Last 4 of SSN) : FROM WEAPONS DISABILITY
: PURSUANT TO R.C. 2923.14
Applicant/Petitioner :
(ORAL HEARING REQUESTED)

Now comes Petitioner/Applicant, (INSERT NAME), proceeding *pro se*, respectfully submits this application requesting that this Court relieve the Petitioner/Applicant from his current disability prohibiting him from possessing a firearm under R.C. 2923.13 and/or federal law. For the reasons set forth below, this Court should grant him such relief pursuant to R.C. 2923.14.

BASIS FOR DISABILITY

Pursuant to R.C. 2923.13 Defendant is currently prohibited from possessing a firearm based upon the following convictions (**list case number, date of conviction, offenses of conviction, sentence, and date of completion of sentence for each case**):

ARGUMENT IN SUPPORT OF RELIEF

BECAUSE DEFENDANT SATISFIES ALL STATUTORY CRITERIA HIS SECOND AMENDMENT RIGHT TO POSSESS A FIREARM SHOULD BE RESTORED

Based upon Petitioner’s prior conviction(s) he is prohibited from possessing a firearm. R.C. 2923.14 provides statutory authority to relieve an individual of the disability to possess a firearm. Defendant has completed his sentence, and since that time Defendant has demonstrated that he is a responsible, law-abiding individual who can safely possess a firearm and is deserving of having his Second Amendment rights restored.

Defendant satisfies all statutory criteria pursuant to R.C. 2923.14 for relief from firearms disability. Since Defendant’s completion of his sentence Defendant has led a law-abiding life.

_____ [Explain your current circumstances, including marital status, number of children, employment history, and anything else that shows that you are a productive member of society.] _____

No reason exists to believe that Defendant will not continue to be a responsible, law-abiding individual. Other than the conviction(s) listed above herein Defendant is not prohibited from acquiring, possessing, or using firearms.

CONCLUSION

Wherefore, based upon the foregoing, the defendant requests that this Honorable Court issue an order pursuant to R.C. 2923.14 relieving Defendant’s disability to possess a firearm.

Respectfully submitted,

/s/ **[signature]** _____

_____ **[printed name], pro se** _____

Address _____

Telephone Number

CERTIFICATE OF SERVICE

A copy of the attached Defendant's Application Pursuant to R.C. 2923.14 Seeking Relief From Firearms Disability was delivered to Cuyahoga County Prosecutor, or a member of his staff, on this ___ day of _____, 20___, at the Justice Center, 1200 Ontario Street, Cleveland, Ohio 44113.

/s/ _____ signature

_____ **legibly printed name**

IN THE COURT OF COMMON PLEAS
CUYAHOGA COUNTY, OHIO

IN RE: _____ : CASE NO:
_____ : JUDGE
_____ : APPLICATION FOR RELIEF
_____ : FROM WEAPONS DISABILITY
_____ : PURSUANT TO R.C. 2923.14
_____ : (ORAL HEARING REQUESTED)
Applicant/Petitioner

Now comes Petitioner/Applicant, _____, proceeding *pro se*, respectfully submits this application requesting that this Court relieve the Petitioner/Applicant from his current disability prohibiting him from possessing a firearm under R.C. 2923.13 and/or federal law. For the reasons set forth below, this Court should grant him such relief pursuant to R.C. 2923.14.

BASIS FOR DISABILITY

Pursuant to R.C. 2923.13 Defendant is currently prohibited from possessing a firearm based upon the following convictions (**list case number, date of conviction, offenses of conviction, sentence, and date of completion of sentence for each case**):

ARGUMENT IN SUPPORT OF RELIEF

**BECAUSE DEFENDANT SATISFIES ALL STATUTORY CRITERIA HIS
SECOND AMENDMENT RIGHT TO POSSESS A FIREARM SHOULD BE
RESTORED**

Based upon Petitioner’s prior conviction(s) he is prohibited from possessing a firearm. R.C. 2923.14 provides statutory authority to relieve an individual of the disability to possess a firearm. Defendant has completed his sentence, and since that time Defendant has demonstrated that he is a responsible, law-abiding individual who can safely possess a firearm and is deserving of having his Second Amendment rights restored.

Defendant satisfies all statutory criteria pursuant to R.C. 2923.14 for relief from firearms disability. Since Defendant’s completion of his sentence Defendant has led a law-abiding life. In particular,

No reason exists to believe that Defendant will not continue to be a responsible, law-abiding individual. Other than the conviction(s) listed above herein Defendant is not prohibited from acquiring, possessing, or using firearms.

CONCLUSION

Wherefore, based upon the foregoing, the defendant requests that this Honorable Court issue an order pursuant to R.C. 2923.14 relieving Defendant’s disability to possess a firearm.

Respectfully submitted,

/s/ _____

Defendant, *pro se*

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Respectfully submitted,

/s/ _____

Defendant, *pro se*

