

**PROPOSED AMENDMENTS TO THE RULES OF SUPERINTENDENCE
FOR THE COURTS OF OHIO**

Comments Requested: The Supreme Court of Ohio will accept public comments until May 22, 2019, on the following proposed amendments to the Rules of Superintendence for the Courts of Ohio.

Comments on the proposed amendments should be submitted in writing to: John VanNorman, Deputy Chief Legal Counsel, Supreme Court of Ohio, 65 South Front Street, 7th Floor, Columbus, Ohio 43215-3431, or john.vannorman@sc.ohio.gov not later than May 22, 2019. Please include your full name and mailing address in any comments submitted by e-mail.

Key to Proposed Amendment:

1. Existing language appears in regular type. Example: text
2. Existing language to be deleted appears in strikethrough. Example: ~~text~~
3. New language to be added appears in underline. Example: text

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RULES OF SUPERINTENDENCE FOR THE COURTS OF OHIO

RULE 96. Forms for Sealing or Expungement of or Restricting Public Access to Court Records.

Forms 96-A through 96-N are standard forms for use in sealing or expungement of or restricting public access to court records pursuant to R.C. 2151.356, 2151.358, 2953.32, 2953.37, 2953.38, and 2953.52 and Sup.R. 45. Forms 96-A through 96-N shall be accepted for filing by courts, provided forms adopted by local courts that are substantially similar to Forms 96-A through 96-N may also be accepted for filing.

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IN THE _____ COURT
_____ COUNTY, OHIO

Applicant Name _____ :
: Case No. _____
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: **Application to Seal Juvenile Record Pursuant to**
: **R.C. 2151.356**

The Applicant moves the Court to order the sealing of records pertaining to a juvenile pursuant to R.C. 2151.356.

- 1. Type of Case: Delinquency Traffic Unruly child
- 2. Were you on probation or parole as a result of this charge? Yes No
If Yes, name of probation or parole officer _____
- 3. Have you been adjudicated or convicted of any other juvenile and/or adult criminal or traffic offense since your last contact with the Court for this offense or this case? Yes No
If Yes, please complete the following (you may attach additional pages if necessary):

Date	Offense	Court or Location

- 4. If you have a driver's license, is it currently suspended? Yes No
- 5. Please indicate any other information you would like the Court to know in reviewing your application (you may attach additional pages if necessary).

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Name of Applicant

Name of Attorney (if applicable)

Signature of Applicant (if pro se)

Signature of Attorney (if applicable)

Street Address of Applicant

Attorney Registration No. (if applicable)

City, State, and Zip Code of Applicant

Telephone of Attorney (if applicable)

Driver's License No. of Applicant (if applicable)

Telephone of Applicant (if pro se)

SERVICE

A copy of this application with attached affidavit was served by this Court on the Office of the
Prosecutor for _____, this _____ day of _____,
20____.

Signature of Applicant (if pro se) or Attorney (if
applicable)

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IN THE _____ COURT
_____ COUNTY, OHIO

Name _____ : Case No. _____
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: Order to Seal Juvenile Record Pursuant to R.C.
: 2151.356

This matter to order the sealing of records pertaining to a juvenile pursuant to R.C. 2151.356 came before the Court on the Court's own motion or the Applicant's application.

The Court finds that the applicable requirements for sealing under R.C. 2151.356 have been met.

Notice has been given to the Prosecuting Attorney and following public office(s) or agency(ies) that the Court has reason to believe may have a record of the sealed record:

THEREFORE, IT IS HEREBY ORDERED that all official records pertaining to the Applicant shall be sealed.

IT IS FURTHER ORDERED that certified copies of this entry shall be mailed by the Clerk of Courts to the following:

1. The Applicant, or the Applicant's attorney (if applicable), at the address that appears on the application filed in this matter.
2. _____

IT IS SO ORDERED.

Date Judge/ Magistrate

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ENTRY, ORDERS UPON REPORT OF MAGISTRATE

Upon an independent analysis of the recommendations of the Magistrate, the Court hereby:

Adopts the Findings and Recommendations of the Magistrate as reported.

Rejects the Recommendations of the Magistrate.

Modifies the Decision of the Magistrate as follows: _____

Judge

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IN THE _____ COURT

COUNTY, OHIO

Applicant Name : Case No. _____
: _____
: _____
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Judge: _____
: _____
: **Application to Expunge Juvenile Record**
Pursuant to R.C. 2151.358

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The Applicant moves the Court to order the expungement of records pertaining to a juvenile pursuant to R.C. 2151.358.

- 1. Type of Case: Delinquency Traffic Unruly child
- 2. Date of sealing order: _____
- 3. Nature of the offense for which the record was sealed: _____

- 4. Are you aware of any civil case that has been filed regarding this case that has been sealed? Yes No
- 5. Have you been adjudicated or convicted of any other juvenile and/or adult criminal or traffic offense since your last contact with the Court for this offense or this case? Yes No

If Yes, please complete the following (you may attach additional pages if necessary):

Date	Offense	Court or Location

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6. Please provide your education and employment history below (you may attach additional pages if necessary):

Employer	Dates Employed	Reason for Leaving

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Name of School	Date of Graduation	Area of Study / Degree

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7. Please indicate any other information you would like the Court to know in reviewing your application (you may attach additional pages if necessary).

Name of Applicant

Name of Attorney (if applicable)

Signature of Applicant (if pro se)

Signature of Attorney (if applicable)

Street Address of Applicant

Attorney Registration No. (if applicable)

City, State, and Zip Code of Applicant

Telephone of Attorney (if applicable)

Driver's License No. of Applicant (if applicable)

Telephone of Applicant (if pro se)

SERVICE

A copy of this application with attached affidavit was served by this Court on the Office of the Prosecutor for _____, this _____ day of _____, 20____.

Signature of Applicant (if pro se) or Attorney (if applicable)

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IN THE _____ COURT

COUNTY, OHIO

Name : Case No. _____
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Judge: _____
: _____
: **Order to Expunge Juvenile Record Pursuant to R.C. 2151.358**

This matter to order the expungement of records pertaining to a juvenile pursuant to R.C. 2151.358 came before the Court on the Court's own motion or the Applicant's application.

The Court finds that the applicable requirements for expungement under R.C. 2151.358 have been met.

Notice has been given to the Prosecuting Attorney and following public office(s) or agency(ies) that the Court has reason to believe may have a record of the expunge record:

THEREFORE, IT IS HEREBY ORDERED that all official records pertaining to the Applicant shall be expunged.

IT IS FURTHER ORDERED that certified copies of this entry shall be mailed by the Clerk of Courts to the following:

1. The Applicant, or the Applicant's attorney (if applicable), at the address that appears on the application filed in this matter;
2. _____

IT IS SO ORDERED.

Date Judge/Magistrate

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ENTRY, ORDERS UPON REPORT OF MAGISTRATE

Upon an independent analysis of the recommendations of the Magistrate, the Court hereby:

Adopts the Findings and Recommendations of the Magistrate as reported.

Rejects the Recommendations of the Magistrate.

Modifies the Decision of the Magistrate as follows: _____

_____.

Judge

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IN THE _____ COURT
_____ COUNTY, OHIO

Applicant / Defendant Name : Case No. _____
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Order to Seal Record of Conviction
Pursuant to R.C. 2953.32

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This matter came before the Court on the Applicant/Defendant's ("Applicant") application to seal the Applicant's record of conviction pursuant to R.C. 2953.32.

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Notice has been given to the Prosecuting Attorney and the Probation Department, and a report has been received from the Probation Department as to the Applicant.

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The Court finds that the Applicant was convicted of an offense, that more than _____ year(s) has lapsed since the Applicant completed this sentence, that there are no criminal proceedings now pending against the Applicant, the Applicant has been rehabilitated to the satisfaction of the Court, and that the Applicant's interests in having these records sealed outweigh the interests of the government in keeping the arrest, charge, and conviction on the Applicant's record.

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The State of Ohio has / has no (circle one) objections to the motion.

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The State of Ohio was represented by _____.

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The Applicant was represented by himself / herself pro se or by _____.

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THEREFORE, IT IS HEREBY ORDERED that all official records pertaining to this case shall be sealed; all index references hereto shall be deleted; that the proceedings in this case shall be deemed not to have occurred; and that the Applicant's arrest and conviction records shall be sealed, subject to the exceptions and provisions of R.C. 2953.31 to 2953.36.

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IT IS FURTHER ORDERED that certified copies of this entry shall be mailed by the Clerk of Courts to the following:

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1. The Applicant, or the Applicant's attorney (if applicable), at the address that appears on the application filed in this matter;
2. The law enforcement official in charge of the agency or organization that caused the Applicant's arrest;
3. The Prosecutor for _____;
4. The Adult Probation Department of this Court;
5. The Bureau of Criminal Investigation in the Office of the Attorney General of the State of Ohio;

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6. The Regional Computer Center, _____ County Data Center;

7. The _____ County Sheriff's Department;

8. The Ohio Law Enforcement Gateway;

9. Any other public office or agency that the Court knows or has reason to believe may have any record of the case that is the subject of this order.

IT IS FURTHER ORDERED that none of the foregoing persons or agencies shall inspect or use such records, or permit the inspection or use of such records, except as provided by R.C. 2953.32.

IT IS SO ORDERED.

Date

Judge / Magistrate

ENTRY, ORDERS UPON REPORT OF MAGISTRATE

Upon an independent analysis of the recommendations of the Magistrate, the Court hereby:

Adopts the Findings and Recommendations of the Magistrate as reported.

Rejects the Recommendations of the Magistrate.

Modifies the Decision of the Magistrate as follows: _____

Judge

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IN THE _____ COURT
_____ COUNTY, OHIO

Applicant/Defendant Name

Case No.

Judge:

**Application to Expunge Record of Conviction
for Improperly Handling Firearm in Motor
Vehicle Pursuant to R.C. 2953.37**

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The Applicant/Defendant ("Applicant") moves the Court to order the expungement of the record of conviction for improperly handling a firearm in a motor vehicle pursuant to R.C. 2953.37.

1. Please complete the following (you may attach additional pages if necessary):

<u>Offense</u>	<u>Date of the Conviction or Guilty Plea</u>	<u>Court</u>

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2. Please attach evidence that the offense was a violation of R.C. 2923.16 (B), (C), or (E) and that Applicant is authorized by R.C. 2923.16(H)(2)(a) to file this application.

3. Please indicate any other information you would like the Court to know in reviewing your application (you may attach additional pages if necessary).

Effective Date: _____

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Name of Applicant

Name of Attorney (if applicable)

Signature of Applicant (if pro se)

Signature of Attorney (if applicable)

Street Address of Applicant

Attorney Registration No. (if applicable)

City, State, and Zip Code of Applicant

Telephone of Attorney (if applicable)

Driver's License No. of Applicant

Telephone of Applicant (if pro se)

SERVICE

A copy of this application with attached affidavit was served by this Court on the Office of the
Prosecutor for _____, this _____ day of _____
20____.

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9. Any other public office or agency that the Court knows or has reason to believe may have any record of the case that is the subject of this order.

IT IS FURTHER ORDERED that none of the foregoing persons or agencies shall inspect or use such records, or permit the inspection or use of such records, except as provided by R.C. 2953.32.

IT IS SO ORDERED.

_____ Date

_____ Judge / Magistrate

ENTRY, ORDERS UPON REPORT OF MAGISTRATE

Upon an independent analysis of the recommendations of the Magistrate, the Court hereby:

Adopts the Findings and Recommendations of the Magistrate as reported.

Rejects the Recommendations of the Magistrate.

Modifies the Decision of the Magistrate as follows: _____

_____ Judge

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IN THE _____ COURT

COUNTY, OHIO

Applicant/Defendant Name _____ :
: Case No. _____
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: **Application to Expunge Record of Conviction as
Victim of Human Trafficking Pursuant to R.C.
2953.38**

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The Applicant/Defendant ("Applicant") moves the Court to order the expungement of record of conviction as a victim of human trafficking pursuant to R.C. 2953.38.

1. Please complete the following (you may attach additional pages if necessary):

Date	Offense	Court or Location

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2. Please describe the evidence and provide copies of any document showing that you are entitled to have the records expunged (you may attach additional pages if necessary).

3. The Applicant [CHECK ONE OF THE FOLLOWING]:
 Is indigent and has attached a Financial Disclosure and Affidavit of Indigency as an exhibit to this application in order to waive the costs of this action.
 Is not indigent and deposits with this application the sum of \$50.00 as set forth in R.C. 2953.38, regardless of the number of records the application requests to have expunged.

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Name of Applicant

Name of Attorney (if applicable)

Signature of Applicant (if pro se)

Signature of Attorney (if applicable)

Street Address of Applicant

Attorney Registration No. (if applicable)

City, State, and Zip Code of Applicant

Telephone of Attorney (if applicable)

Telephone of Applicant (if pro se)

SERVICE

A copy of this application with attached affidavit was served by this Court on the Office of the
Prosecutor for _____, this _____ day of _____,
20____.

Signature of Applicant (if pro se) or Attorney (if
applicable)

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IN THE _____ COURT

COUNTY, OHIO

Applicant/Defendant Name : _____
: _____
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Case No. _____

Judge: _____

Order to Expunge Record of Conviction as
Victim of Human Trafficking Pursuant to R.C.
2953.38

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This matter came before the Court on the Applicant/Defendant's ("Applicant") application to expunge the Applicant's record of conviction as a victim of human trafficking pursuant to R.C. 2953.38.

Notice has been given to the Prosecuting Attorney and the Probation Department, and a report has been received from the Probation Department as to the Applicant.

The Court finds that the Applicant's participation in the offense with which the Applicant was convicted was the result of the Applicant having been a victim of human trafficking and that the Applicant's interests in having these records expunged outweigh the interests of the government in keeping the arrest, charge, and conviction on the Applicant's record.

THEREFORE, IT IS HEREBY ORDERED that all official records pertaining to this case shall be expunged; all index references hereto shall be deleted; that the proceedings in this case shall be deemed not to have occurred; and that the Applicant's arrest and conviction records shall be expunged, subject to the exceptions and provisions of R.C. 2953.31 to 2953.36.

IT IS FURTHER ORDERED that certified copies of this entry shall be mailed by the Clerk of Courts to the following:

1. The Applicant, or the Applicant's attorney (if applicable), at the address that appears on the application filed in this matter.
2. The law enforcement official in charge of the agency or organization that caused the Applicant's arrest;
3. The Prosecutor for _____;
4. The Adult Probation Department of this Court;
5. The Bureau of Criminal Investigation in the Office of the Attorney General of the State of Ohio;
6. The Regional Computer Center, _____ County Data Center;
7. The _____ County Sheriff's Department;
8. The Ohio Law Enforcement Gateway;

44 9. Any other public office or agency that the Court knows or has reason to believe may have
45 any record of the case that is the subject of this order.

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47 IT IS FURTHER ORDERED that none of the foregoing persons or agencies shall inspect or use
48 such records, or permit the inspection or use of such records, except as provided by R.C. 2953.32.

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50 IT IS SO ORDERED.

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53 _____
54 Date _____ Judge / Magistrate

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57 ENTRY, ORDERS UPON REPORT OF MAGISTRATE

58 Upon an independent analysis of the recommendations of the Magistrate, the Court hereby:

- 59
60 Adopts the Findings and Recommendations of the Magistrate as reported.
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62 Rejects the Recommendations of the Magistrate.
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64 Modifies the Decision of the Magistrate as follows: _____
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74 Judge

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IN THE _____ COURT
_____ COUNTY, OHIO

Applicant/Defendant Name : Case No. _____
: _____
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Application to Seal Records of Nonconviction
Pursuant to R.C. 2953.52

The Applicant/Defendant ("Applicant") moves the Court to order the sealing of the record of arrest, charge(s), and _____ in this case and all related records.

The Applicant is not depositing a fee with this application, as R.C. 2953.52 does not require a fee to seal records after a not guilty finding, dismissal of proceedings, or a no bill by a grand jury.

Name of Applicant Name of Attorney (if applicable)

Signature of Applicant (if pro se) Signature of Attorney (if applicable)

Street Address of Applicant Attorney Registration No. (if applicable)

City, State, and Zip Code of Applicant Telephone of Attorney (if applicable)

Telephone of Applicant/Defendant (if pro se)

SERVICE

A copy of this application with attached affidavit was served by this Court on the Office of the Prosecutor for _____, this _____ day of _____, 20____.

Signature of Applicant (if pro se) or Attorney (if applicable)

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IN THE _____ COURT
_____ COUNTY, OHIO

Applicant/Defendant Name _____ : Case No. _____
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Order to Seal Record of Nonconviction
Pursuant to R.C. 2953.52

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This matter came before the Court on Applicant/Defendant's ("Applicant") application to seal the Applicant's record of arrest, charge, and _____ pursuant to R.C. 2953.52.

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Notice has been given to the Prosecuting Attorney and the Probation Department, and a report has been received from the Probation Department as to the Applicant.

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The Court finds that the Applicant was charged with an offense(s) and that the charge(s) was/were _____ that there are no criminal proceedings now pending against the Applicant, the Applicant has been rehabilitated to the satisfaction of the Court, and that the Applicant's interests in having the Applicant's records sealed outweigh the interests of the government in keeping the arrest and charge on the Applicant's record.

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The State of Ohio has / has no (circle one) objections to the motion.

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The State of Ohio was represented by _____.

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The Applicant was represented by himself / herself pro se or by _____.

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THEREFORE, IT IS HEREBY ORDERED that all official records pertaining to this case shall be sealed, and all index references hereto shall be deleted; that the proceedings in this case shall be deemed not to have occurred, and that the Applicant's arrest and dismissal records shall be sealed, subject to the exceptions and provisions of R.C. 2953.51 to 2953.56.

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IT IS FURTHER ORDERED that certified copies of this entry shall be mailed by the Clerk of Courts to the following:

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1. The Applicant, or the Applicant's attorney (if applicable), at the address that appears on the application filed in this matter;
2. The law enforcement official in charge of the agency or organization that caused the Applicant's arrest;
3. The Prosecutor for _____;
4. The Adult Probation Department of this Court;
5. The Bureau of Criminal Investigation in the Office of the Attorney General of the State of Ohio;

- 46 6. The Regional Computer Center, _____ County Data Center;
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- 48 7. The _____ County Sheriff's Department;
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- 50 8. Any other public office or agency that the Court knows or has reason to believe may have
- 51 any record of the case that is the subject of this order.
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53 IT IS FURTHER ORDERED that the Clerk of Courts shall remove all references to this case from
54 its public accessible computer information.

55 IT IS FURTHER ORDERED that none of the foregoing persons or agencies shall inspect or use
56 such records, or permit the inspection or use of such records, except as provided by R.C. 2953.52.

57 IT IS SO ORDERED.

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63 Date _____ Judge / Magistrate _____

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66 ENTRY, ORDERS UPON REPORT OF MAGISTRATE

67 Upon an independent analysis of the recommendations of the Magistrate, the Court hereby:

- 68 Adopts the Findings and Recommendations of the Magistrate as reported.
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- 70 Rejects the Recommendations of the Magistrate.
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- 72 Modifies the Decision of the Magistrate as follows: _____
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83 Judge

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IN THE _____ COURT

_____ COUNTY, OHIO

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<u>Applicant Name</u>	:	<u>Case No.</u>
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	:	<u>Judge:</u>
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	:	<u>Motion to Restrict Public Access to Case</u>
	:	<u>Document Pursuant to Sup.R. 45(E)</u>

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The Applicant moves the Court to restrict public access to a case document or information in a case document pursuant to Sup.R. 45(E). The presumption of allowing public access to the case document or information in the case document is outweighed by a higher interest based upon the following:

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<u>Name of Applicant</u>	<u>Name of Attorney (if applicable)</u>
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<u>Signature of Applicant (if pro se)</u>	<u>Signature of Attorney (if applicable)</u>
_____	_____
<u>Street Address of Applicant</u>	<u>Attorney Registration No. (if applicable)</u>
_____	_____
<u>City, State, and Zip Code of Applicant</u>	<u>Telephone of Attorney (if applicable)</u>

<u>Driver's License No. of Applicant</u>	

<u>Telephone of Applicant (if pro se)</u>	

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IN THE _____ COURT
_____ COUNTY, OHIO

Applicant Name _____ :
: Case No. _____
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: Judge: _____
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: **Order to Restrict Public Access to Case**
Document Pursuant to Sup.R. 45(E)

This matter to order the restriction of public access to a case document or information in a case document pursuant to Sup.R. 45(E) came before the Court on the Court's own motion or the Applicant's motion.

The Court finds by clear and convincing evidence that the presumption of allowing public access to the case document or information in the case document is outweighed by a higher interest based upon the following:

THEREFORE, IT IS HEREBY ORDERED that public access to the case document or information in the case document be restricted as follows:

46 IT IS FURTHER ORDERED that certified copies of this entry shall be mailed by the Clerk of Courts
47 to the following:

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49 1. The Applicant, or the Applicant's attorney (if applicable), at the address that appears on
50 the application filed in this matter;

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52 2. _____
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63 IT IS SO ORDERED.

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67 _____ Date _____ Judge / Magistrate

68
69 ENTRY, ORDERS UPON REPORT OF MAGISTRATE

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71 Upon an independent analysis of the recommendations of the Magistrate, the Court hereby:

- 72 Adopts the Findings and Recommendations of the Magistrate as reported.
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74 Rejects the Recommendations of the Magistrate.
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76 Modifies the Decision of the Magistrate as follows: _____
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86 _____
87 Judge