

THE EXPUNGEMENT 411

Sealing The Criminal Record

Keep Your Past In the Past.



A criminal conviction for a misdemeanor or a felony at the age of 18 or over results in a criminal record. This record, whether in the recent past or decades ago, remains as a conviction unless an Expungement Motion is brought before the court filed under Penal Code section 1203.4.

This record may never be a problem for a number of reasons: self-employment, permanent employment, employment with friends/family, and a host of other reasons.

However, the future is uncertain. Employment statuses

change, education may become an opportunity, or a background check is done for a loan, licensing, partnership, etc. The record that had not been thought of for some time prevents the opportunity.

The past may be protected with this Motion to the Court. If a Motion to Expunge is granted, the Judge will allow the withdrawal of the guilty plea or finding of guilt, and dismiss the charge.

When applying for schools, jobs, or completing other applications, under most circumstances, "no" will be the answer.

IO Qualifications

1. The charge must qualify for an expungement
2. Probation must have expired or a motion for early termination must be made
3. No other pending charges exist
4. No other probation terms are being served
5. A motion must be made to reduce a felony conviction to a misdemeanor and then a dismissal motion is made
6. A motion must be filed at the sentencing Court
7. A filing fee must be paid
8. The District Attorney must be given a copy of the motion and is given the opportunity to respond.
9. A Court Hearing in Court or in the Judge's Chambers determines the outcome of the motion.
10. Upon the granting of the motion, the Judge signs the Order of dismissal

