

EXPUNGEMENT

Petition · Felony · Conviction

Expunge Criminal Record

WHAT IS AN EXPUNGEMENT?

In California, an *Expungement* is a legal process by which a criminal conviction is **dismissed**. A **guilty** plea, “**no contest**” plea or a finding of guilt by a judge or jury is set aside and the case is dismissed. An expungement relieves the defendant of certain penalties and disabilities that result from a criminal action. The arrest, prosecution and conviction records remain in the file and a notation is placed in the file that the conviction has been dismissed. The notation in the court file, the California Department of Justice and the FBI files reflect that a plea of not guilty has been entered and the case ordered to be dismissed by the court. As is commonly believed, an expungement does not seal or destroy your criminal records.

CRIMINAL RECORD	EXPUNGEMENT
<ul style="list-style-type: none"> • A criminal record consists of all your arrests and convictions. 	<input checked="" type="checkbox"/> Many of these charges can be expunged.
<ul style="list-style-type: none"> • If you have ever been arrested, you have a criminal record. 	<input checked="" type="checkbox"/> A <u>qualified attorney</u> will assist with expunging your criminal record.
<ul style="list-style-type: none"> • If your arrest was dismissed, rejected, or never filed, or you were never convicted, you still have a criminal record. 	<input checked="" type="checkbox"/> Expungements apply only to convictions. If you have no conviction then a Petition for Factual Innocence should be pursued and filed.
<ul style="list-style-type: none"> • Both felony and misdemeanor charges are listed on your criminal record. 	<input checked="" type="checkbox"/> <u>Eligible</u> felonies and misdemeanors can be expunged.

WHY EXPUNGEMENTS ARE IMPORTANT. A criminal record can prevent you from getting a good job, obtaining credit, renting an apartment, voting, obtaining certain licenses (nursing, realtor, medical, and other professional licenses), running for political positions, and other benefits of society we take for granted. Today more than ever, employers are doing background checks on current and potential employees. Thanks to the Internet, information is accessible to anyone interested in knowing your past. Expunging the criminal record dismisses and sets aside your felony and/or misdemeanor conviction from the public record.

ADVANTAGES OF EXPUNGEMENT

- You can apply for credit, be eligible for employment, run for office, and compete fairly and honestly in society.
- When filling out forms (other than to governmental agencies), you can lawfully answer 'no' to questions, such as "Have you ever been convicted of a crime?"
- You can hold your head high and feel confident without the underlying worry of someone 'finding out' your criminal background.

CAN ALL CRIMINAL CONVICTIONS BE EXPUNGED? No. Not all criminal convictions can be expunged. Most misdemeanors and some felonies qualify for expungement. Under California law, felony convictions can be expunged as long as the defendant did not serve a state prison sentence and successfully completed the terms of probation. [For information on state prison sentences, read more.](#)

CALIFORNIA EXPUNGEMENT ELIGIBILITY

According to the California Expungement Law, Section 1203.4, most California criminal convictions can be cleared from the records of law-abiding citizens. Exceptions to this rule include most traffic and sex-related crimes.

Conditions for Expungement Eligibility:

- Probation must have been satisfactorily completed or, if not granted probation, one year must have passed since date of judgment.

- All court orders must have been obeyed.
- Defendant must have been free from subsequent offenses.
- Defendant must be living an honest and upright life.
- Other conditions may affect defendant's eligibility status.

EXPUNGING YOUR CALIFORNIA CRIMINAL RECORD THE PROCESS

We can assist in determining your expungement eligibility. If eligible for an expungement, we will file a petition to expunge your record (Adult Record Clearance Application) with the State of California. The purpose of this form is to request the court to reverse a guilty plea or set aside a guilty verdict. Once approved, your record will be cleared and original charges dismissed.

CAN AN EXPUNGED CRIMINAL RECORD BE REVERSED? No. Once processed, an expunged criminal record cannot be reversed. However, keep in mind that, if after your record has been expunged, you have additional criminal charges, the expunged convictions can be used against you. And, on all government-related forms, upon request you must reveal the expunged criminal convictions.

Note: A defendant whose record has been expunged is still not permitted to possess a firearm capable of being concealed on his or her person.

CONTACT A QUALIFIED CRIMINAL DEFENSE ATTORNEY. If you need help expunging your criminal record, our firm has the knowledge and legal expertise to get your criminal record expunged. We can prepare all the necessary legal paperwork and represent you before the expungement judge.