

CLEANING UP YOUR CRIMINAL RECORD

Criminal records can prevent you from getting a good job, obtaining U.S. citizenship, obtaining a state issued professional or commercial licenses, enlisting in the military and most importantly having peace of mind. With the age of the internet and easy access to criminal records, even your future in-laws can find out about your past criminal conviction.

But there is hope. Many tools are available to an experienced criminal defense attorney in attacking your criminal record.

If you pled guilty to a criminal offense and at the time of your plea or sentencing, a legal mistake was made by the prosecutor, judge or defense attorney, it may be possible to completely erase the conviction with a **Motion to Vacate Judgment**. If the Motion to Vacate Judgment is successful and the conviction is set aside, the prosecutor still has the option of recharging the case. But if the case is old and not serious this probably will not happen.

Juvenile criminal records, except for the most serious ones, can be completely **Sealed** when the juvenile turns 18.

Many adult felonies can be reduced to misdemeanors with a **Penal Code Section 17(b) motion**. If the crime can be punished by either a county jail sentence or a prison sentence it is known in criminal court as a Wobbler. That means it can be charged as a misdemeanor or a felony. If it is charged as a felony and the client was sentenced to the county jail it can be reduced to a misdemeanor.

A limited number of misdemeanors can be reduced to infractions with a **Penal Code Section 17(d) motion**. Charges such as disturbing the peace or driving without a license can be reduced to infractions. Infractions are the least serious criminal offense with the maximum punishment being a fine.

A felony or misdemeanor conviction can be softened by gaining an **Expungement**. Here, if you pled guilty and successfully completed probation a judge will allow you to withdrawal the guilty plea and then

dismiss the charge. The conviction will still appear on your record but right underneath the conviction it will state that the judge allowed you to withdraw the guilty plea and then dismissed the case in the interests of justice.

If you were arrested and no charges were filed, you may be able to have the arrest record completely sealed and then destroyed with a **Motion for Factual Innocence**. Normally, this must be done within two years of the arrest.

If you must register as a sex offender and were convicted of a misdemeanor, you may be able to terminate the lifelong registration requirement by gaining a **Certificate of Rehabilitation**. In order to apply for a Certificate of Rehabilitation you must first gain an expungement for the conviction. Normally you must wait approximately seven years from the date of the conviction before applying for the Certificate of Rehabilitation. Certificates of Rehabilitation can also be sought for all felony convictions.

Finally you can apply for a **Pardon** from the governor, and if granted, it will erase the effects of the conviction. You must first gain an expungement and then a Certificate of Rehabilitation before applying for the Pardon. Pardons are difficult to obtain and are usually reserved for very old convictions.

Regardless of the type of criminal record, you should clean it up as much as possible, there is nothing to lose and everything to gain.



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