

Petition to Expunge/Seal (Non- Deferred sentences)

Approximately 12683 (average over last three years) misdemeanor cases filed statewide annually

H.171 – proposes to significantly reduce the time for case expungement.

- Highly labor intensive process
- Antiquated computer system and not in the paperless world at this time.

- Multi-step Process
- Petition filed- Form – Petition to expunge/seal
- Docket petition in the computer (enter motion) if case is pre VTADS – OPEN A WHOLE NEW CASE
- Copy petition for the State Attorney and provide the Response Form to SA
- If a victim case – The State Attorney must try to contact the victim
- Enter new address (IMPORTANT PIECE) as our cliental move frequently
- Pull file
- Check computer for any outstanding restitution to see if paid (restitution satisfied event)
- Check for any outstanding PD fees or fines/surcharges payable to the court
- Check VCAS to see if petitioner picked up any other charges pending/closed
- Response filed from State - Docket response from State
- Type Order for Judge (If state agrees)
- Set for Hearing (If State objects or Judge request case to be set)
- Provide order and file to judge for signature
- Send signed order to expunge to Petitioner, SA, DA, Probation, Arresting Agency, VCIC, and DMV (if applicable)
- Expunge file – If not tied to another criminal charge. **State could file multiple charges which requires redaction of the entire file.**
- Maintain a database for the expungements
- Over half are not eligible because of outstanding restitution or monies owed/ so monitor and start the process all over again.