

New Jersey Expungement Center

CLEAR YOUR CRIMINAL RECORD IN NEW JERSEY!

GET THE SECOND CHANCE THAT YOU DESERVE!

NEW JERSEY EXPUNGEMENT ATTORNEY

Clear your criminal record in New Jersey with legal help. Your criminal record of misdemeanors, and of some felony charges, may qualify for expungement. Expungement is the legal process of cleaning your criminal record. If you desire a clear criminal record, we can help.

A criminal record can often hinder one's aspirations and life goals, such as securing a job, better housing and opportunity to join the Military. If you were charged and convicted as an adult or petty theft, shoplifting, disturbing the peace, and other misdemeanors, or some felonies for which you served probation, we can help you clear your criminal record.

Theodore Sliwinski, Esq. is a reputable and affordable New Jersey Expungement lawyer who has extensive experience litigating in New Jersey courts and he knows New Jersey expungement laws and court procedures. He has been quite successful in having arrest records and convictions expunged all throughout New Jersey.

Understandably, not all felony and misdemeanor charges can be cleared from your New Jersey criminal record. Criminal expungement cases must meet certain rules. In every case, an individual seeking expungement in New Jersey must not be on probation, serving a sentence for any offense, nor have any new criminal charges pending.

If having your criminal record cleared plays a large part in your life, call (732) 257-0708 now for your appointment.

EXPUNGEMENT FAQ'S

THE MAJOR BENEFITS OF AN EXPUNGEMENT

1. What are five things that an expungement can do for you?

a. Getting a Job

The most valuable benefit of expunging your New Jersey criminal record is that it can assist you in securing employment, in spite of suffering a criminal conviction.

Today, almost every employer does a background check before hiring a job applicant. The background check is quick, inexpensive, and can be done right from the employer's own computer.

The information retrieved is sometimes incomplete and inaccurate, but generally it reveals the applicant's records of arrests, convictions and probation status. Most employers consider the applicant's criminal record in deciding whether to extend a job offer. A person whose conviction is expunged can lawfully answer "no" if asked whether he has been convicted of a crime.

b. State Licenses

To be sure, even after an expungement you must still disclose the conviction in response to any question posed in an application for a state license (such as a contractor's license or real estate license) or application for public office.

However, many licensing agencies will condition the award of a state license upon the conviction being expunged, and many will look upon the situation more favorably (or less unfavorably) if the applicant has successfully completed probation and the expungement process.

c. Professional Organizations

Many professional organizations do background checks before inviting someone to join or to hold a position or a seat. Again, the stigma and ill effect of a criminal conviction can be reduced if the case has been dismissed through the expungement procedure.

d. Personal Satisfaction

Many of our clients express a great sense of relief after gaining an expungement. While it does not magically erase the past, it helps bring redemption for a mistake and closure to a frustrating chapter in their lives.

e. Immigration Consequences

An expungement generally does not preclude the immigration consequences of a criminal conviction, such as deportation, denial of admission and denial of naturalization. However, in

some instances it can. For example, under Third Circuit law, which governs New Jersey, an expungement after a simple first-time drug possession offense can help an immigrant avoid otherwise mandatory removal and loss of immigration benefits.

An Overview of Expungements

2. What is an expungement?

When a person is arrested, that person gets a criminal record. In this day and age having a criminal record can be disastrous. Even if a person beats a charge, the arrest still remains on his record. If the person is convicted of the charges, then both the arrest and the conviction will be part of his criminal record.

This criminal record can haunt a person for years. There is no limit as to how a criminal record can ruin your life. Almost every employer will run your criminal record before they hire you. In fact it is almost negligent if an employer does not run your criminal record before they hire you. Additionally, many insurance companies, landlords, and prospective creditors will also run your criminal record before they give you a lease, provide you with insurance, or extend credit to you.

If you want to expunge a criminal record then you have to engage in a court process called expungement. If your expungement application is successful, then any person who performs a background check through New Jersey State Police or through the FBI will receive a response that there is "no record." Moreover, after you expunge your criminal record, you are legally entitled to state that the arrest or conviction never occurred.

3. Why is it important to get a criminal record expunged?

A record of an arrest or conviction can haunt a person forever. Applications for schools, jobs, and military service often ask about criminal records. Many people can solve this problem because they are eligible for an expungement of their New Jersey criminal record(s).

New Jersey law provides a limited right to expungement. The purpose of New Jersey's expungement law is to give a person who has either one or very few convictions a "fresh start." The law also provides for the removal of records of arrests where the arrest did not end in a conviction.

The New Jersey expungement law provides in detail who is eligible

for an expungement. An eligible person must prepare and file a Petition for Expungement. The Petition for Expungement must be filed in the Superior Court in the county where the arrest or prosecution took place.

A judge then decides whether the person should be granted an Expungement Order. An Expungement Order means that, with some exceptions, the criminal proceedings "never happened." It also allows the person to fill out school, job, and military applications truthfully without having to reveal that he or she was once arrested or convicted.

4. What types of crimes can be expunged in New Jersey?

Indictable crimes (formerly known as a felony), disorderly persons offense (formerly known as a misdemeanor), petty disorderly persons offense (also formerly known as a misdemeanor) or a municipal ordinance violation can frequently be expunged in New Jersey. Moreover, an expungement is also available to expunge arrests that have not resulted in a conviction. For example PTI intervention and violation of probation, juvenile charges, and youthful offenders of narcotics and paraphernalia laws can also be expunged.

5. Can juvenile records be expunged in New Jersey?

Yes. New Jersey law permits the expungement of juvenile records once the juvenile reaches a certain age. In some cases, the records are destroyed; sometimes they are simply "sealed." The purpose of these laws is to allow a minor who has committed criminal acts, or in the language of the juvenile courts, delinquent acts, to erase his record permanently, usually at the age of 17 or 18. The purpose of the expungement laws is to permit the juvenile offender to have a "clean slate."

6. Why do I have to expunge my arrest record?

Most people probably believe that if they were arrested but not convicted then their record remains clean. A person could be found not guilty or the charges may have been dropped. However, it is important to emphasize that the arrest will remain on a person's criminal record regardless if he was convicted of the original charge(s). A record of an arrest can hurt as much as one indicating a conviction. Consequently, it is just as important expunge an arrest record as it is to expunge the record of a conviction.

If you were arrested for any offense but not convicted (either

found not guilty or the charges were never brought to trial), then you are eligible for an expungement at any time. However, if you were found not guilty by reason of insanity, expungement is not permitted at all.

7. If my record is expunged, do I have to disclose to anyone that I have a criminal record?

No, you may thereafter truthfully state that you were never arrested, charged, or accused of a crime. Once a conviction is expunged, then under New Jersey law the charge never occurred. There is one proviso though. The U.S. Government does not have to adhere to the New Jersey expungement. Moreover, if a person applied to public office, then in many circumstances he or she may have to disclose the prior conviction in an application for public office or on some professional license applications.

8. Are criminal records ever "automatically" expunged?

Unfortunately, a prior conviction, arrests, and the admission into PTI are not automatically expunged or sealed after a period of years have elapsed. There is no short to clear your record. You must go through the expungement process.

The Benefits and Limitations of an Expungement

9. What are the limitations of an expungement?

There are few limitations to an expungement. A person who has been granted an expungement must reveal information which is contained in the expunged records if that person is seeking employment within the judicial branch or with law enforcement or with the prisons. Persons applying for admission as an attorney in New Jersey are required to disclose prior arrests or convictions if the record has been expunged.

10. Does this mean that I can never get a job in law enforcement, or in the judicial branch of government, or that I can never become a lawyer?

That is not what it means. It just means that if you do pursue any of those activities, you would be required to recite prior arrests on the application when asked, even though they have been expunged. You can state that they have been expunged, but you still need to recite it. The prospective employer, or school, or government agency will then consider your entire application,

including the expunged information, and either approve or reject your application. But unless a statute specifies it, the recitation is not automatically disqualifying.

11. My criminal record was expunged. However, my criminal history is still showing up when I apply for employment. Why is this nightmare still happening to me?

In the age of computers it is very difficult for a person to truly have their criminal record sponged. Even if a person has his criminal record expunged, the record could still be stored in some type of computer database. There are private companies all that collect a person's criminal history from court records. These companies then put that history into their own computer data bases. The court system does not notify these private companies once a person's criminal record is expunged. The court system does not even keep track of the companies that access their criminal records. In summary, if your criminal record is still being reported, then it is being disclosed by a private company, and not by a court.

There is simply no complete solution to this problem. In many situations, if the prior criminal conviction surfaces, then the job applicant would most likely be required to explain to the prospective employer that the conviction has been expunged. Moreover, the applicant would be required to provide on a copy of the court order that granted the expungement. The applicant should also advise the prospective employer to check directly with the court or police agency. Thereafter, the court clerk or the police department will be able to report to the prospective employer that no record exists.

Expungement Eligibility Requirements

12. Am I eligible to file for an expungement of my criminal record?

The answer to this key question depends on the type and number of criminal records you have. It is important to emphasize that only New Jersey convictions and arrests may be expunged in New Jersey. If you have a criminal record from another state, or if you have federal charges, then you must contact the court system in that state or the federal court system to determine whether you may expunge that record.

There are several types of criminal records. One type of criminal

record is for indictable offense. An indictable offense is for a crime that is punishable by six months of jail time or more. Meanwhile, another type of record is for a disorderly persons offense. A disorderly offense is also commonly referred to as a misdemeanor. A disorderly persons offense is generally crime punishable by less than 6 months of jail time. Finally, another type of criminal record is known as a violation of a municipal ordinance.

If the conviction occurred in a county Superior Court, then the crime was probably an indictable offense. Meanwhile, if on the other hand, the conviction occurred in a municipal court, then it was probably a disorderly persons charge.

13. Under what type of circumstances can I expunge an indictable conviction?

To be eligible to expunge a conviction of an indictable offense, you cannot have any other indictable convictions in any state at any time. Moreover, you cannot have more than two disorderly persons convictions in any state before or after the conviction for the indictable offense. However, the court may consider the nature of any subsequent disorderly persons convictions, even if there is only one, and the circumstances surrounding them when considering a petition to expunge. Any subsequent convictions may be a basis for denial of the expungement in certain circumstances. You must wait at least 10 years from the conviction, payment of fine, completion of probation or parole, or release from jail, whichever is later before applying to expunge the record.

14. What is an Early Pathway Expungement?

The court may grant an expungement for an indictable offense even if less than 10 years have passed from the date of the conviction.

In 2010, the New Jersey Legislature passed an amendment granting an "early pathway" to an expungement of a criminal offense. The law was changed in an effort to increase the success rate of ex-offender re-entry into society. Instead of waiting the mandatory 10 years to expunge a criminal conviction, an ex-offender may apply after 5 years if he or she can meet the burden of proof that an expungement is in the public interest.

The law is still relatively new, and few interpretations exist. As a result, the courts must try to interpret and apply the law the way in which the legislature intended. In The Matter of The

Application for Expungement of the Criminal Records of Marino Lobasso, the New Jersey Appellate Division provides one of the first interpretations of the law. In determining the "public interest," the court may review the following factors:

- * The applicant's character and conduct before and after the conviction;
- * Any cognizable evidence related to an arrest that did not result in a conviction;
- * Efforts to obtain employment or education;
- * Whether the applicant has met other legal obligations, such as child support or traffic fines;
- * Circumstances surrounding the offense;
- * Related charges that were dismissed as a result of PTI or a plea bargain; and
- * Whether the criminal record has affected the petitioner's ability to lead a law-abiding, productive life.

15. Can I expunge a disorderly persons conviction?

To expunge a disorderly persons conviction, you cannot have any indictable convictions in any state at any time. You cannot have more than two other disorderly persons convictions in any state. The statute allows for up to three disorderly persons convictions to be expunged. Moreover, in order to expunge a disorderly persons conviction, you must wait five years from the date of conviction, payment of fine, completion of probation or parole, or release from jail, whichever is later. Finally, a person can't have three subsequent disorderly persons offenses. This will disqualify an application for expunging a disorderly persons conviction.

It is important to note that if you are attempting to expunge a disorderly persons offense, a petty disorderly persons offense, or a criminal charge, if you have before or after that conviction been granted pretrial intervention (PTI), then your petition will be denied.

16. Can I expunge a municipal ordinance conviction?

Municipal courts also hear cases that involve a violation of a municipal ordinance. Municipal ordinances are also commonly

known as "town laws." If the conviction was for a violation of a municipal ordinance, then your sentence could not have been for more than 90 days or a \$200 fine. Some examples of municipal ordinances are include littering, obscenity, curfew violations, unleashed pets, and loud radios.

To expunge a conviction for a violation of a municipal ordinance the requirements are the same as for disorderly persons offenses, except that the waiting period is two years from the date of conviction, payment of fine, satisfactory completion of probation, or release from jail, whichever is later.

17. Do young drug offenders get special consideration for their expungement application(s) for certain convictions?

A person who was 21 or younger when convicted of possessing a controlled dangerous substance, or of selling, distributing, or possessing marijuana or hashish with the intent to sell it, may be able to apply for expungement one year after the conviction if:

- a) The conviction was for possession of a controlled dangerous substance; or
- b) The total amount of the marijuana sold, distributed, or possessed with intent to sell was 25 grams or less; or
- c) The total amount of hashish sold, distributed, or possessed with intent to sell was 5 grams or less.

18. Do I have to expunge the fact that I enrolled in any of the following programs; Pre-Trial Intervention or a Conditional Discharge?

Yes. If you have been awarded PTI "pretrial intervention" in your case and your case was thereafter marked dismissed after you completed the PTI, then you will still have an arrest record. Your arrest record must still be expunged like any other arrest record. If your case was marked dismissed after you your case was conditionally discharged then you still must file for an expungement. You must also wait six months after completion of those programs before filing for an expungement.

19. What are the other requirements that I must comply with before I can file for an expungement?

You must not have any charges pending or otherwise still open

when you file an expungement. Also, you must certify that you have never been granted an expungement in the state of New Jersey or in any other state. Finally, if your case has been dismissed as a result of completion or a PTI or a conditional discharge, then you must indicate the nature of the original charge, the court of disposition, and the date of disposition.

20. What is the first step that I must take to start my expungement case?

The first and the most important part of your expungement case is to locate and obtain your criminal records. In order to prepare your expungement petition and prove your eligibility, you will need to obtain the following information:

- a) The date of your arrest.
- b) The statute(s) and the offense(s) for which you were arrested or convicted.
- c) The original indictment, accusation, state grand jury (SGJ) summons(es), warrant(s), or complaint(s)/docket number(s).
- d) The date of the conviction or the date the charges were dismissed if you were found not guilty (also called "date of disposition if no conviction resulted" in the statute).
- e) The specific punishment or other disposition.

You should obtain any of the above information that you are missing. If you had an attorney when you were arrested and charged, check first to see if he or she has this information in your case file; if so, this can save you quite a bit of time.

If you must locate your records on your own for an indictable/criminal conviction or arrest, contact the Criminal Case Management Office in the county where the arrest or conviction occurred, and take some personal identification, such as a driver's license or a birth certificate. You might also contact the county prosecutor and explain that you are interested in expunging your records and ask for the information listed above. You may also be able to find information you need on disorderly offenses by contacting the clerk of the municipal court(s) in which you were prosecuted or the police department involved in your arrest(s).

If you cannot get all of the information you need, contact your local police department where you live to make an appointment to

have your fingerprints taken on a state applicant fingerprint card for the purpose of "individual review or challenge of record." Fill out the Request for State Police Record and send it to the address on the form, along with a certified check or money order for \$50. The State Police will not accept personal checks. That office will send you a copy of your "rap sheet," which should contain the full information. If you live out of state, you may obtain a fingerprint card from the State Police and have your fingerprints made where you live.

21. What specific "records" are expunged?

Expunged records include complaints, warrants, arrests, commitments, processing records, fingerprints, photographs, index cards, "rap sheets" and judicial docket records.

22. Are there some records that cannot be erased?

Yes. In New Jersey, if you were convicted of murder, manslaughter, treason, anarchy, kidnaping, rape, forcible sodomy, arson, perjury, false swearing, robbery or a conspiracy or any attempt to commit any of the foregoing then those records cannot be expunged. Moreover, any records of conviction for any crime committed by a person holding any public office, position or employment, elective or appointive, under the government of this State or any agency or political subdivision thereof and any conspiracy or attempt to commit such a crime shall not be subject to expungement if the crime involved or touched such office, position or employment.

In the case of conviction for the sale or distribution of a controlled dangerous substance or possession thereof with intent to sell, expungement shall be denied except where the crimes relate to: (1) Marijuana, where the total quantity sold, distributed or possessed with intent to sell was 25 grams or less, or (2) Hashish, where the total quantity sold, distributed or possessed with intent to sell was five grams or less.

23. What if I was convicted of a drug offense, but I was young at the time. Are there exceptions to the above restrictions?

Yes. Notwithstanding the above restrictions, after a period of not less than one year following conviction, termination of probation or parole or discharge from custody, whichever is later, any person convicted of an offense under for the possession or use of a controlled dangerous substance who at the time of the offense was 21 years of age or younger, can get his records expunged.

The relief of expungement under this section shall be granted only if the person has not, prior to the time of hearing, violated any of the conditions of his probation or parole, albeit subsequent to discharge from probation or parole, has not been convicted of any previous or subsequent criminal act or any subsequent or previous. Moreover, the applicant must not have had any prior or subsequent criminal matter dismissed because of acceptance into a supervisory treatment or other diversion program.

24. What are the requirements for expungement of disorderly persons or petty disorderly persons offenses?

Any person convicted of a disorderly persons offense under New Jersey law and who has not been convicted of any prior or subsequent crime, whether within New Jersey or any other jurisdiction, may, after the expiration of a period of 5 years from the date of his conviction, payment of fine, satisfactory completion of probation or release from incarceration, whichever is later, obtain an expungement of those records.

25. I was only convicted of a violation of a local township ordinance, but I still want the record erased. Can I do it?

In all cases wherein a person has been found guilty of violating a municipal ordinance and who has not been convicted of any prior or subsequent crime, whether within this State or any other jurisdiction, and who has not been adjudged a disorderly person or petty disorderly person on more than two occasions, may, after the expiration of a period of 2 years from the date of his conviction, payment of fine, satisfactory completion of probation or release from incarceration, whichever is later, obtain an expungement.

26. What if the charges were dismissed after I completed a supervisory program, such as Pre-trial Intervention Program, or Conditional Discharge Program?

There is a 6 months waiting period after your charges have been dismissed and you have been released from the supervisory program before you can apply for an expungement.

27. Will I have to travel to New Jersey to have it done?

No. Theodore Sliwinski, Esq. has expunged many criminal records of persons from all over the United States. The majority of the expungement process is accomplished through the mail. In most

expungement cases, no court appearance required provided that the County Prosecutor does not file an objection.

28. Can anyone expunge his criminal record?

No. Whether someone is eligible for an expungement is determined by some very detailed and complicated laws and requirements? These factors are set forth in the expungement statutes. They include the following:

- a. Is what the person wants expunged just an arrest, or was there also a conviction?
- b. What offense was the person convicted of?
- c. How many times has the person been convicted?
- d. When was the person convicted?
- e. What was the person's sentence?
- f. Were all fines paid? When?
- g. Has the person ever previously had an expungement?
- h. Are any charges against the person still open?

If you need to assess if your criminal record can be expunged then you need a free phone conference with Theodore Sliwinski, Esq. He can provide you with a free phone consultation and given you preliminary assessment of your expungement case.

29. How long must I wait before I can expunge my conviction?

There are specific waiting period that must elapse before a conviction can be expunged. Dismissals also will require a waiting time if the dismissal resulted from successful completion from PTI program. The waiting periods are as follows:

<u>Nature of Conviction</u>	<u>Waiting Time</u>
Crime (Felony)	Ten years
Disorderly Persons Offense (Misdemeanor)	Five years
Petty Disorderly Persons Offense (Misdemeanor)	Five years
Municipal Ordinance	Two years

Young Drug Offender (21 years of age or younger when offense was committed) One year

Dismissal following successful completion of PTI or Conditional Discharge) Six months

Dismissal, Other None

30. When does the time period to expunge a conviction start to run?

The time period to expunge a conviction begins to run when these following events occur:

- a. When the judge imposes the sentence;
- b. The date when the applicant finishes paying all of his fines;
- c. The date the applicant successfully completes his probation;
- d. The date when applicant completes his jail or prison sentence; or
- e. The date the applicant completes his parole.

31. I was charged with a federal crime. What is involved in getting that expunged?

Unfortunately, federal charges except in highly unusual circumstances convictions cannot be expunged.

32. I was found guilty of a DWI. Can I expunge my DWI conviction from my criminal record?

A DWI is not classified as a criminal offense in New Jersey. It is important to note that motor vehicle convictions, which often occur in municipal court, may not be expunged. The reason for this is that they are not considered criminal offenses, but instead are violations of the Motor Vehicle Code. This includes driving under the influence of alcohol or drugs.

33. I received an expungement a few years ago. Unfortunately, I was arrested again. Can I get another expungement for the new charge?

In some circumstances you can. There is no limit to the number of times that a person can apply for and receive an expungement. However, the court will your entire criminal record when it considers any expungement application, and this includes any charges that were recently expunged. In summary, if a person recently had a conviction expunged, then his chances of receiving another charge will be reduced.

34. Once I obtain an expungement will I be able to truthfully disclose on any type of application that I have never been arrested or convicted?

Yes, you can truthfully disclose that you have never been arrested or convicted once your expungement has been granted. Once you receive an expungement order from the judge it provides in pertinent part: "that the arrests, charges, and convictions which are the subject of this Order shall be deemed not to have occurred and the Petitioner may answer accordingly any questions relating to its occurrence."

35. I recently completed PTI, and I was advised that my criminal charges would be dismissed after 1 year. Will these charges also be automatically be expunged?

No. This is an important misconception. Many defendants mistakenly believe that if they are enrolled into a PTI program that they will not have a criminal record, and that they will not be required to file any type of expungement application. It is correct that a person will not have a criminal record if he is enrolled into a PTI program. However, the fact that a person was accepted into PTI will be part of his criminal record. Moreover, any arrest records will still appear on any criminal background searches. There is no automatic expungement if your charges were dismissed, or if you participated. Even if you were acquitted at trial, there is typically an arrest record of your charge. Therefore, if you are uncertain about the status of your criminal record, then you should request a copy of your criminal record from the New Jersey State Police.

The Expungement Process

36. How much does it cost to expunge my criminal record?

The Law Office of Theodore Sliwinski, Esq. prides itself on providing quality legal services at affordable rates. The cost of an expungement depends on several factors. These factors include;

- a. How many arrests is expungement being sought?
- b. When did those arrests occur?
- c. Do you have your complete criminal record available?
- d. Will the County Prosecutor object to your expungement application.

37. How long does the expungement process take?

In most cases an expungement application takes four to six months to complete.

38. Do have to appear in court to obtain an expungement?

In most cases a court appearance is not required. However, if the County Prosecutor objects to the expungement application, then your appearance is required. Moreover, if the court schedules a contested expungement case for a plenary hearing, then your court appearance will be required.

39. Can the victim of my criminal conduct, or the police officer who arrested me objects to my expungement application?

No. The victim of any of your criminal conduct is not notified of your expungement application. Moreover, the arresting officer is not notified that you are applying for an expungement. If you satisfy the legal requires for an expungement then the only party that can object is the County Prosecutor.

40. My arrest occurred in Atlantic City, NJ. Theodore Sliwinski, Esq. offices are in East Brunswick. Would it be advisable to obtain legal counsel from the Atlantic County area?

No, Theodore Sliwinski, Esq. has handled expungements all throughout the state of New Jersey. Most expungement applications are based on the legal papers that are submitted, and no court appearance is required. Theodore Sliwinski, Esq. represents expungement clients from all over the United States. Moreover, the majority of client communications are routinely handled by telephone, by mail, and by e-mails and no personal meetings are required. Therefore, Theodore Sliwinski, Esq. is available to handle expungement on a 24/7 basis all throughout the Garden State. His prices are reasonable, his service is excellent, and he produces results.

41. I have reviewed your website, and I have to wait another year before I can submit my expungement application. Should I delay filing my expungement until my waiting period has expired?

No, the sooner that you start preparing your expungement petition the better off you will be. In order for Theodore Sliwinski, Esq. to prepare a proper expungement application, he often must obtain important information from the police, from the court, the state police, or from other sources. It takes some time to obtain these records. If you start the expungement process earlier, then Theodore Sliwinski, Esq. can use this time to collect all of the necessary criminal records.