



## Clean slate: N.J. lawyers, court offices can help expunge criminal records

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on April 06, 2015 at 7:00 AM, updated April 06, 2015 at 7:04 AM

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Part of a flow chart provided by the Nash Law Firm that shows whether or not someone is eligible for expungement. (photo provided)

Everybody makes mistakes. Fortunately for New Jersey residents, help is available for those who need a hand with getting that albatross of a mistake off your neck.

**Expunging convictions off your criminal record** isn't for everyone (i.e. those convicted of murder, kidnapping or other heinous crimes), but members of society now on the straight and narrow who are running into roadblocks as a result of their criminal record stand to profit.

"The benefits I think are enormous, especially for an individual who has turned their life around," **said attorney William Nash**, who explained the process start to finish on Thursday at his **Blackwood** office from behind mountains of paperwork atop his desk. "It's a win-win."

**Having your record expunged means** the isolation of records on file with law enforcement agencies, courts or correctional facilities.

In 2010, the New Jersey Legislature cut the waiting period to seek expungement from 10 years down to five (granted there are no additional convictions in that time period) and added third- and fourth-degree drug sale convictions to the list of offenses that can be sealed.

It's important to note that while a background check won't reveal past offense reports, the records themselves are sealed and set aside -- not wiped from the history books. Those seeking law enforcement careers will see their expunged past pop up again during the application process, Nash said. Also, media reports and other online articles that cite an offense may be updated to note the expungement, but likely won't be removed in full.

The whole process begins by either filing a \$75 application to expunge or meeting with a lawyer, then being fingerprinted and requesting a complete criminal background check. If you decide to go through the process with the assistance of an attorney, both of you will review the background check and ensure you're eligible for expungement.

A petition for expungement is prepared and filed with the New Jersey Superior Court Law Division Criminal Part, Nash said, then served to any of the parties who were involved in the charges, such as the prosecutor's office or local police department.

If those parties don't "believe the nature of the offense is such that it shouldn't be lifted," Nash said, a judge will either approve expungement in court or sign off on it, thus sealing the records.

In all, Nash said the process takes about six months and estimated a cost of less than \$1,500, which depends on the amount of work involved.

Nash explained a situation involving a construction worker who was employed as an apprentice and was seeking a state license, however his past included some problems preventing said license from being issued. Others who have taken the same route went about clearing shoplifting or controlled dangerous substance possession charges, given the drugs were of a small enough amount, he added.

Late last month, the Hudson County Superior Court vicinage held a free expungement clinic that was open to the public. According to ombudsman Pauline Daniels, the vicinage plans to have additional clinics once a month for at least the next three months.

"We don't get into individual situations," Daniels said Thursday, adding that the March meeting was "very well-attended" with about 35 people showing up to hear from representatives with Northeast New Jersey Legal Services.

She described those who opt to represent themselves throughout the process as "someone who feels confident they can understand instructions and do their own research," although she does encourage people seeking an expungement to consult an attorney.

"Obviously there are some overwhelmed by the process, confused by it," Daniels said of others who need a helping hand in the form of an ombudsman.

Asked if anyone has ever tried to get a murder charge or a similarly prohibited offense off their rap sheet, Daniels noted that a few people did walk out of the meeting after the parameters were set.

Sandra Lopez, Superior Court ombudsman for Vicinage 15, which includes Gloucester, Salem and Cumberland counties, conducts expungement presentations for the juvenile probation orientation program, those enrolled in drug court and for participants at county One-Stop career centers.

Lopez has also done presentations alongside one of the vicinage's judges, before Rotary and Soroptimist organizations, the Puerto Rican Action Committee and other groups on specifically-targeted topics, such as child support.

"We have scheduled several seminars open to the public over the years. We have found the greatest need to be presentations to the specific groups and service agencies," Mark Sprock, Vicinage 15 trial court administrator, said when asked if there were any specific reasons for the meetings that aren't open to the general public.

Sprock said South Jersey residents seeking an expungement may check out documents available at **www.njcourts.com**. The non-profit Legal Services of New Jersey also has a resource manual available, he added.

"As far as hiring an attorney, the packets of information will provide factors people need to consider when deciding on the need for an attorney. Our ombudsman can also provide procedural guidance to litigants," said Sprock.

To Nash, who said some only learn about the process through meeting others who have successfully cleaned up their past, it's a way to mop up mistakes and "bad judgement."

"It's a win-win," he said.

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