

Expungements

**Judge E. Faye Peterson
Seventh Circuit Court District**

Public Forum: October 13, 2020

tribute



This October we acknowledge and highlight
Breast Cancer & Domestic Violence Awareness



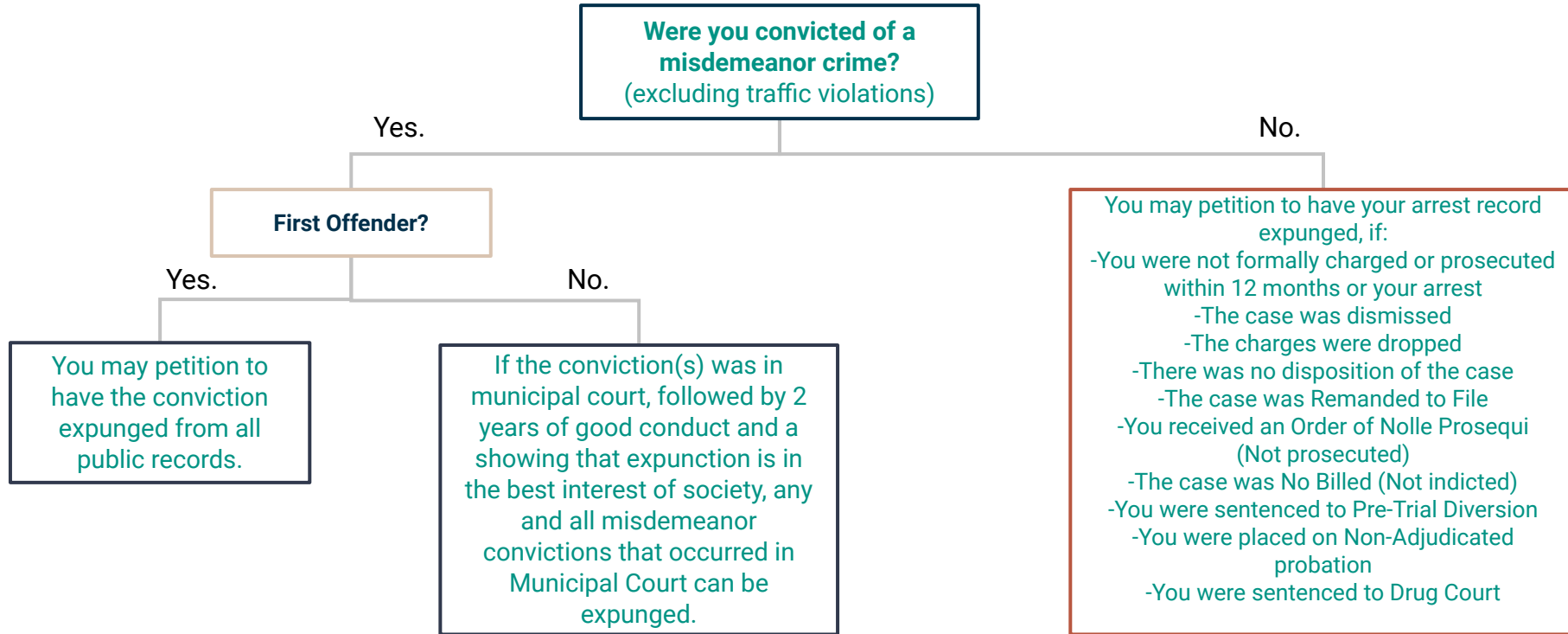
General Definitions:

- **Expungements** - the mechanism by which an individual can clear or remove information from their background information.
- **Misdemeanor** - any offense which carries a maximum penalty of one year in the custody of the local county sheriff's department.
- **Felony** - any offense for which a person can be sentenced to serve a term of imprisonment within the custody of the Mississippi Department of Corrections
- **Petition** - a formal request seeking a specific court order

What CANNOT Be Expunged? Misdemeanors

- Violation of City Ordinance
 - Traffic Tickets
 - Insurance Infractions

What Can Be Expunged?



Misdemeanors: Three Strike Offenses

Within the criminal code there are several misdemeanor offenses which can be enhanced to a felony for a third violation.

Here is a list of some:

1. Simple Domestic Violence
2. Vandalism
3. Petit Larceny
4. Malicious Mischief
5. Receiving Stolen Property
6. *Entry without Permission: 2nd offense is a felony
7. Use of Fraudulent Credit Card
8. Bad Check
9. Embezzlement
10. Shoplifting
11. Aiding and Abetting Shoplifting by Minors
12. DUI's

When Felonies Cannot be Expunged?

Has it been five (5) years since you completed all terms and conditions of the sentence for your conviction(s)?

No.

Your record **CANNOT** be expunged.

Yes.

The following felonies may **NOT** be expunged:

- Crimes of violence;
- Arson, first degree;
- Trafficking controlled substances;
- Third, fourth, & subsequent DUI offenses;
- Felon in possession of firearm;
- Sex crimes and crimes against children
- Failure to register as a sex offender;
- Voyeurism; or
- Witness intimidation.



What Can Be Expunged? (Alternative Sentences)

Felony:

- Acquittal / Not Guilty
- Non-Adjudicated Sentence
- Drug Court*
- Pre-trial Intervention*
- Non-violent Offenses*
- Charges that were no-billed
- Charge that was remanded
- Possession of controlled substances*

Preparing the Expungement Petition

- Filing Location
- Filing Fee \$\$\$
- Petition & Order

Petition:

- Background Information
- Case History
- Incident Information
- Arrest Information
- Sentencing Information
- Verification of Terms
- Court / Legal Documents

Rejected Petitions

Submission to Prosecutor's Office

Thank You!

Questions???