

EXPUNGEMENT RESOURCES



**MARYLAND OFFICE OF THE
PUBLIC DEFENDER**

This booklet is for informational purposes only and is not a substitute for speaking to an attorney about your individual case.

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Frequently Asked Questions

1. What is expungement?

An expunged criminal case is permanently removed from court and police records and no longer visible to the public. Expungement **only** applies to criminal proceedings, including serious incarcerable traffic offenses.

2. What is shielding?

Shielding removes a case from public record (i.e. Maryland Judiciary Case Search), yet the court and some agencies will still have access to it. You are allowed to shield **only one** criminal case. **Shielding** can also apply to peace orders and protective orders. There are separate forms and procedures to shield eligible criminal cases, peace orders and protective orders.

3. How much does it cost to expunge a case?

There is no filing fee for favorable dispositions (nolle prosequi, not guilty, judgement of acquittal, dismissal), not criminally responsible (NCR), stets, or probation before judgement (PBJs). For guilty dispositions, there is a \$30 filing fee for each case. However, you may request to waive the filing fee by filling out a fee waiver.

4. If I have a pending case, can I still file expungement petitions?

No, you cannot file any expungement petitions if you have a pending criminal proceeding. This includes serious traffic offenses (i.e. driving on a suspended license, without a license, DWI/DUI, etc.). If you file before your case is resolved, the Court will deny your petition.

If you have an active warrant or have yet to go to court for a current case, this is an active criminal proceeding and you cannot file for an expungement.

If you are on probation, you can still file for expungement for other eligible cases. Probation is not a pending criminal proceeding.

5. I was only found guilty of one charge in my case and the rest were dismissed or nol prossed. Why can't I expunge this case?

According to the "Unit Rule", all charges in the case or any related incident/cases must be eligible for expungement in order for the whole case to be eligible for expungement. For example, if you have five charges in a case, four of which are dismissed, but one guilty charge that is not eligible for expungement, then whole case is ineligible. Minor traffic offenses (speeding ticket) do not apply.

6. Can all guilty dispositions be expunged?

Not all guilty dispositions are eligible for expungement.. Also, just because 10-15 years have passed since your case, does not make it eligible. Some cases are just not eligible, even if decades have passed. The law outlines certain misdemeanors and felonies that may be eligible for expungement after 10-15 years, respectively. The legislature dictates what charges and dispositions can become eligible after a set time. There are certain rules to determine a case's eligibility. See page 6 .

7. How long does it take to get my case expunged?

Filling out and filing expungement petitions do not take much time at all. Once cases become eligible and petitions are filed with the courts, it can take anywhere from 4-8 months (in Baltimore City specifically) for cases to be fully processed and expunged. The State's Attorney, Police Department, and Judge have to review each petition. Even if the dispositions are favorable (not guilty, nolle prosequi, dismissed, acquittal) the petitions still have to go through the same review process.

8. Are traffic cases eligible?

Minor traffic offenses such as speeding, or anything you could pay a fine for, may be eligible for expungement through the Motor Vehicle Administration (MVA). Serious incarcerable traffic offenses that with **guilty dispositions**, such as driving without a license or DWI/DUI, are **not eligible** for expungement. Additionally, DWI/DUI charges resulting in a probation before judgement (PBJ) are never expungable.

9. If my case was dismissed, why is it still on Case Search? Do I still have to file for an expungement?

In Maryland, even if your case was dismissed, “nol prossed” (nolle prosequi), or you were found not guilty or acquitted, it does not automatically go away. The case can still be seen by the public. Even though all cases with a favorable disposition may be immediately eligible for expungement, you still have to physically file an expungement petition. If you want to file right away, or within three years of your case’s disposition (the day you were in court) you will have to sign a “General Waiver and Release”, giving up your right to file a civil suit against the petitioners/police officers in the case.

10. If I received a probation before judgement (PBJ) or a stet, do I still have to wait three years before I can get it expunged?

You may be eligible to file a “**Motion for Good Cause.**” If the PBJ or stet is significantly hindering your ability to get a job, you have lost your job because of the case, you cannot get approved for housing, or continue/start your education, for example, you can ask the Court to grant you an early expungement . You will have to prove to the court that the case is severely impacting your life. The Judge will look at your entire criminal history. Get all eligible cases expunged first.

To get an early expungement, the case must otherwise be eligible under the law.

In order for a PBJ be eligible early (excluding DWI/DUI), probation must be completed. After the disposition date, you cannot have picked up any ineligible conviction.

11. If my case is ineligible for expungement, can I hire an attorney to argue why my case should be expunged? Can I pay to get the case expunged?

No. The Judge can only grant expungements for cases that are eligible under the expungement statutes.

12. On case search, it says I'm guilty, but my attorney told me that the sentence would become a probation before judgement (PBJ) if I paid the fines, completed my community service, etc. Can I still get it expunged?

If Case Search still shows a "guilty" disposition for your case, and it is not an eligible case under the law, then no, you cannot file for an expungement. If you believe the disposition was supposed to be switched from guilty to a different disposition, contact your attorney to determine if they filed for a "**Motion to Modify.**" Ask if they remember the Judge mentioning anything about modifying your sentence.

You can also go to the Court where you had your trial and ask to see the records for your case. Request to see the case file. Read to see if there is any mention about filing to modify your sentence. Flip through the pages and look on the outside of the folder. See pages 8 and 9 for more information.

13. I got a deficiency notice and/or summons for a hearing in the mail. What do I do?

If you received a deficiency notice, there may have been a mistake on your petition. If your case was less than three years old, you may have forgotten to include a General Waiver and Release. Call the Court and ask for more information.

Your case should only be denied at an expungement hearing. Call the Court to see if an expungement hearing was scheduled.

WHAT IS EXPUNGABLE?

DISPOSITIONS THAT ARE IMMEDIATELY ELIGIBLE:

- ◇ Not Guilty, Judgement of Acquittal, Dismissal or Nolle Prosequi
- ◇ Guilty— **marihuana possession - less than 10 grams**

AFTER 3 YEARS:

- ◇ Stets and PBJs (probation before judgement) may be eligible. A PBJ for a DWI/DUI is not expungable.
- ◇ Specific guilty convictions:
 - ◇ Public Urination/Defecation
 - ◇ Drinking alcohol in public
 - ◇ Smoking on public transit
 - ◇ Obstructing free passage of another in public place
 - ◇ Sleeping on/in park structures (benches, doorways, etc.)
 - ◇ Riding transit w/o paying fare or exhibiting proof of payment
 - ◇ Panhandling
 - ◇ Vagrancy
 - ◇ Eating on public transit
 - ◇ Loitering
 - ◇ Littering

AFTER 4 YEARS:

CDS Possession (Marihuana Only)

Some guilty convictions may be eligible 10-15 years after the completion of the sentence. You cannot have any other ineligible convictions during that 10-15 year period, including serious incarcerable traffic offenses.

Eligible charges include:

10 YEARS

- ◇ CDS Possession (Not Marihuana)
- ◇ Prostitution
- ◇ CDS Paraphernalia
- ◇ Rogue and Vagabond
- ◇ Trespass– Posted Property
- ◇ Gambling
- ◇ Unauthorized Removal of Prop.
- ◇ Misdemeanor Theft
- ◇ 2nd Degree Malicious Burning
- ◇ Betting/wagering/gambling

15 YEARS

- ◇ 2d Degree Assault
- ◇ Felony Burglary (1st– NOT with intent to commit violence, 2nd, 3rd)
- ◇ Felony Theft
- ◇ CDS Poss. **w/Intent** to Distribute

This list does not include all eligible cases. For more information, speak with your public defender, or call/visit the Neighborhood Defender's Office. Contact info on the back of this booklet.

HOW TO FILE *PRO SE* (WITHOUT THE ASSISTANCE OF AN ATTORNEY)

1. Determine if you have an eligible case. Go to [Maryland Judiciary Case Search](#) and search by your name and DOB. If you have a common name, it may be difficult to find all of your cases using case search. Search any aliases used.
2. Fill out the appropriate expungement petition. You must file an expungement petition for each eligible case. These can be found on the Court's website or at the information desk in the courthouse. If a District Court case was forwarded to Circuit Court— file the expungement petition using the Circuit Court case number. Sometimes, if the case is old, the Circuit Court case might not be accessible through case search. See pages 8 & 9.
Form [CC-DC-CR-072A](#)— Favorable dispositions, NCR, PBJs, stets, charges no longer a crime.
Form [CC-DC-CR-072B](#)— Guilty dispositions
3. If you are filing within three years of the date of disposition (if your case is immediately eligible and you are filing right away), you must also fill out a [General Waiver and Release](#). Within three years of a case's disposition, one has the right to file a civil suit against petitioners/the Police Department. If you plan to file a civil suit, you cannot file for expungement. If want to file for expungement right away, you must give up this right.
4. There is no filing fee for favorable dispositions (nolle prosequi, not guilty, judgement of acquittal, dismissal), not criminally responsible (NCR), stets, or probation before judgement (PBJs). For **guilty dispositions**, there is a **\$30** filing fee for each case. However, you may request to waive the filing fee by filling out a fee waiver provided by the Court ([Form CC-DC-089](#)).
5. All of the petitions must be filed in the appropriate court— if your case started in district court, but you prayed a jury trial and/or had your case forwarded to circuit court, file the expungement petition in circuit court with the circuit court case number. If you are filing *pro se* (you fill out all of the paperwork without an attorney), you can mail the petitions to the Court.

WILL I RECEIVE ANY CONFIRMATION MY CASE HAS BEEN EXPUNGED?

- ◇ It takes a few months for eligible cases to be expunged. The State's Attorney, Police Department, and Judge have to review each petition. In the mail, you will get Orders of Expungement and Letters of Compliance, the latter stating your case has been expunged.

Requesting files from the Courts:

In Maryland, all records are accessible to the public (unless they have been expunged or sealed). Most are accessible online through Maryland Judiciary Case Search. Old case files (pre-1990s) may not be accessible online.

- ◇ If an old case was disposed of in Circuit Court, sometimes only the District Court case record will be available on Case Search. It WILL NOT have the final disposition and circuit case number required to file for expungement. Therefore, you will need to go to the Circuit Court clerk's/records office to obtain a copy of the final disposition of your case.

- ◇ Were you told that your sentence was going to be modified (upon completion of probation, community service, treatment program, etc.)?
 1. First, contact your attorney to see if they remember or have any documentation that would suggest a modification of your sentence. Ask if they filed a "motion to modify." Your attorney would have filed within 60 days of the date of disposition.
 2. Go to the courthouse and look through your case file. Read through all of the documents. Look for notation about a sentence being modified, reduced, etc. Make sure to look at the notes on the folder itself.
 3. See if a hearing was ever scheduled— did the judge rule on it?

HOW TO OBTAIN THE FINAL DISPOSITION OF A CIRCUIT COURT CASE

You must go to the appropriate Circuit Court – not the District Court, even if your case started there.

To request a copy of the disposition, you will need:

- ◇ A license/ID
- ◇ The DISTRICT COURT case number/tracking number (if you can, bring a print-out of what is on Case Search)

Go to the records office/window.

- ◇ Tell the court clerk you have an old case that was forwarded to Circuit Court, but only have access to the District Court Case File. You need a copy of the final disposition—it **does not** have to be a certified or true test copy.
- ◇ If you need to make copies, it will cost 50 cents per page. Fill out the “Request for Copies” form.

HOW TO REQUEST TO SEE YOUR COURT FILE

To request your file, you will need:

- ◇ A license/ID
- ◇ The case number/tracking number (if you can, bring a print-out of what is on case search)
- ◇ Bring a pen and paper to take notes. You cannot take out or write on any of the documents.

You must go to the court where your case took place (District or Circuit) and go to the records office.

- ◇ Ask the clerk to see your court file.
- ◇ Fill out the “Request for File Inspection” form.
- ◇ If you chose to make copies, it will cost 50 cents per page. Fill out the “Request for Copies” form.

Circuit Court Locations & Mailing Addresses:

Hours Monday-Friday 8:30AM to 4:30PM

You may be able to call the courthouse to get the information you need, however it is always best to have a copy of the case for your records.

Court Address

Mailing Address

Anne Arundel County

8 Church Circle
Annapolis, MD 21401
410-222-1420

Circuit Court for Anne Arundel County
P.O. Box 71
8 Church Circle
Annapolis, MD 21404-0071

Baltimore City

Mitchell Courthouse Building
100 North Calvert Street
Baltimore MD 21202
(410) 333-3750

Enter from Fayette St.
The expungement office is Room 200.

Baltimore County

401 Bosley Avenue
Towson, MD 21204
410-887-2625

Circuit Court for Baltimore County
County Courts Building
P. O. Box 6754
Towson, MD 21285-6754

Carroll County

55 N. Court Street,
Westminster, MD 21157
410-386-8710

Harford County

20 West Courtland Street,
Bel Air, MD 21014
410-638-3426

Howard County

8360 Court Avenue
Ellicott City, MD 21043
410-313-2111

Montgomery County

50 Maryland Avenue
Rockville, MD 20850
240-777-9400

Prince George's County

14735 Main Street,
Upper Marlboro, MD 20772
301-952-3344

14735 Main Street
Courthouse M1408
Upper Marlboro, MD 20772

For additional locations, go to: <https://www.courts.state.md.us/circuit>

District Court Locations

Hours Monday-Friday 8:30AM to 4:30PM

You may be able to call the courthouse to get the information you need, however it is always best to have a copy of the case for your records.

Baltimore City

Borgerding District Court Building (Wabash/West Side) (01-01)
5800 Wabash Avenue, Baltimore, MD 21215-3330
410-878-8000

Eastside District Court Building (01-03)
1400 E. North Avenue, Baltimore, MD 21213
410-878-8500

John R. Hargrove, Sr. Building (01-02)
700 E. Patapsco Avenue, Baltimore, MD 21225
410-878-8300

Baltimore County

120 E. Chesapeake Avenue, Towson, MD 21286 (08-04)
410-512-2000

8914 Kelso Drive, Essex, MD 21221-3121 (08-05)
410-512-2300

900 Walker Avenue, Catonsville, MD 21228 (08-01)
410-512-2500

Harford County

2 South Bond Street, Suite 100, Bel Air, MD 21014
410-836-4545

Howard County

3451 Courthouse Drive, Ellicott City, MD 21043
(410) 480-7700

For additional locations, go to:

<https://mdcourts.gov/district/directories/courtmap>

Additional Questions?

The Neighborhood Defender's Unit provides weekly one-on-one expungement assistance for OPD Clients.

Clinic Every Wednesday from 9AM to 1PM

4151 Park Heights Ave, Suite 223

Baltimore, MD 21215

410-367-1631 x 306

Non OPD Assistance

Legal Aid Bureau

500 E. Lexington Street
Baltimore, Maryland 21202
443-451-2805

Must meet income eligibility requirements. If eligible, filing fees can be waived
<https://www.mdlab.org/>

The Maryland Volunteer Lawyers' Service (MVLS)

Call or Apply On-Line

(410) 547-6537 or mvslaw.org/intake

Telephone lines are open 9 AM and 12 PM (Monday through Thursday).

If eligible, filing fees can be waived. You must meet income criteria.

Intake is done by a paralegal, so no legal advice is provided during intake.

The Homeless Persons Representation Project (HPRP)

(800) 773-4340 ext. 18 or 410-685-6589

You must meet HPRP's income criteria. Contact HPRP for upcoming intake dates. If eligible, filing fees can be waived.

<http://hprplaw.org/>

To Get a Copy of Your Criminal Record contact:

CJIS – Central Repository Reisterstown Plaza, Room 200

6776 Reisterstown Road, Baltimore, Maryland

(410) 764-5160