

THE LAW OFFICES OF MATT FAKHOURY

CRIMINAL RECORD EXPUNGEMENT & SEALING

A COMPLETE OVERVIEW



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YOU'RE NOT ALONE.

You don't have to let your criminal record define you – you can get the fresh start you deserve.

Criminal record expungement and criminal record sealing are two ways to do just that. With the right tools, and if you're eligible, you can clear your criminal record and start moving forward again.

This e-book provides a general overview of expungement and sealing, eligibility requirements, the documents you'll need to file and the answers to frequently asked questions about both processes.



CRIMINAL RECORD EXPUNGEMENT

Expungement is a legal process in which you ask the court to erase your criminal record completely. You do so by filing a petition with the court.

If the judge in your case grants your petition, the agencies that have your records will destroy them or return them to you. Your record will be completely clear because there will be nothing for anyone to find. You don't even have to tell people that you had a criminal record – it's like it never even existed in the first place.



CRIMINAL RECORD SEALING

Criminal record sealing is a legal process in which you ask the court to make your records private. That means landlords, creditors and most employers won't be able to see them.

Your criminal history will still be available to some people, like those working in the criminal justice system and law enforcement, as well as the military and some employers (like those in healthcare fields). However, your records won't be available to the general public, and they won't turn up on ordinary background checks.



ELIGIBILITY

Not all cases are eligible for expungement or sealing. In order to find out whether you can ask the court to clear your criminal record, you'll need your complete criminal record. That way, you can see which items qualify for expungement, which items qualify for sealing, and which items have to stay on your criminal record.

You'll need the following information about each item on your criminal history:

- Your arrest date
- The name of the police department that arrested you
- The official charge
- The disposition (outcome) of the case
- The sentence you received
- The date you completed your sentence



EXPUNGEMENT ELIGIBILITY

When you have your criminal record, use the checklist on the following page to determine whether you're eligible for expungement. If your case was dismissed, you were found not guilty or acquitted, you were pardoned, or you were released without getting any criminal charges at all, you can have your case expunged.



EXPUNGEMENT ELIGIBILITY

Arrest, Charge or Sentence	Eligible	Not Eligible
Arrests for misdemeanors and felonies that did not result in a conviction	✓	
Sentences for supervision if the waiting period has passed	✓	
Sentences of qualified probation, if 5 years have passed	✓	
Any federal conviction or conviction outside Illinois		✓
Sentences you have not yet completed, including parole, probation or court supervision		✓
Minor traffic offenses (unless you were released without being charged)		✓
Convictions for misdemeanors and felonies*		✓
Court supervision or qualified probation that was not completed		✓
Court supervision for reckless driving if you were 25 or older at the time of your arrest		✓
Court supervision for sexual offenses against minors		✓
Court supervision for driving under the influence		✓

*If you were convicted of a misdemeanor or a felony and it was reversed, vacated, pardoned or approved by the Prisoner Review Board, you are eligible for expungement.

VETERANS AND EXPUNGEMENT

If you are an honorably discharged veteran of the U.S. Armed Forces, including the Army, Air Force, Marines or Navy, or any of the U.S. military's reserve components (including the National Guard), you may be eligible to expunge convictions of certain nonviolent Class 3 and Class 4 felonies.

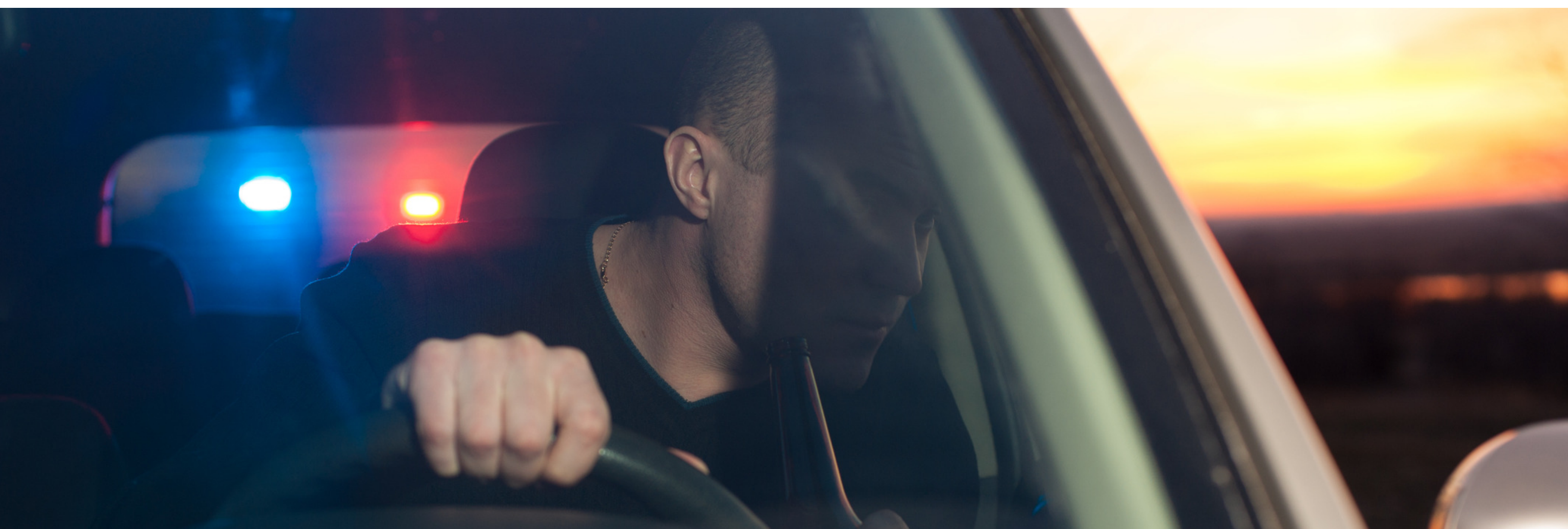
You cannot expunge sex offenses, violent crimes (including domestic violence) or gun crimes.



WAITING PERIODS

In many cases, you must wait until a certain amount of time has passed before you can petition the court to expunge your records.

- If your charge was dismissed or you were acquitted, you can expunge your record immediately.
- If you were sentenced to supervision, you must usually wait until at least 2 years have passed since you successfully completed your supervision.
- If you were sentenced to special probation, you must usually wait until at least 5 years have passed from the termination of your probation.



SEALING ELIGIBILITY

If you don't qualify for expungement, you could still qualify for criminal record sealing. Use the checklist on the following page to figure out whether sealing is an option for you. Remember, if your case was dismissed, you were found not guilty or acquitted, you were pardoned, or you were released without getting any criminal charges at all, you can have your case sealed.



PREVIOUSLY SEALED CONVICTIONS

If you have already had felony convictions sealed and you're convicted of another felony at a later date, you can't seal the new felony.

SEALING ELIGIBILITY

Arrest, Charge, Conviction or Sentence	Eligible	Not Eligible
Arrests and charges for misdemeanors and felonies that did not lead to a conviction	✓	
Felony traffic offenses that were reduced to an eligible misdemeanor	✓	
Convictions for most misdemeanors and felonies*	✓	
Misdemeanor conviction of public indecency	✓	
Reckless driving conviction		✓
Driving under the influence conviction		✓
Domestic battery conviction		✓
Conviction of violation of an order of protection, a civil no-contact order or a stalking no-contact order		✓
Conviction of soliciting or patronizing a prostitute		✓
Felony conviction of public indecency		✓
Conviction of misdemeanor offenses listed under Article 11 of the Criminal Code		✓
Conviction of any offense that requires you to register as a sex offender under the Sex Offender Registration Act		✓
Dog fighting conviction		✓
Class A misdemeanor conviction under the Humane Care for Animals Act		✓

*In most cases, you must wait at least 3 years from the date you complete your sentence before sealing a conviction.

HOW DO THE EXPUNGEMENT AND SEALING PROCESSES WORK?

If you're eligible to expunge or seal your record, you can file paperwork with the court to request criminal record clearing. Some people choose to work with an attorney during the process, but others do it themselves. Either way, you're taking a positive step forward to improve your future.

The process works like this:

- You (or your attorney) file a petition with the court. You pay a filing fee.
- The state's attorney will review your petition and decide whether he or she objects.
 - If the state's attorney objects, you may be entitled to a hearing to explain your side of the story.
 - If the state's attorney does not object, your case will go directly to the judge.
- The judge will decide whether you can clear your criminal record. If the judge agrees, the County Clerk, the agency that arrested you, the Illinois State Police and the FBI will clear your records.



FILING THE PETITION

Every county has its own method of accepting the petition, and the fees vary, too. You can check our DIY Expungement website for the most current information available.

THE STATE'S ATTORNEY'S REVIEW

The state's attorney – an attorney who works on behalf of the state of Illinois – will review your petition and supporting documentation. He or she will decide whether to object or to pass your petition along to the judge.



If the state's attorney objects to your petition, you could be entitled to a hearing. You can represent yourself or you can work with an attorney – but either way, you'll be facing someone (the state's attorney) who doesn't believe you deserve a fresh start with a clean criminal record. You'll have to show that you're responsible, reformed and deserving to change the state's attorney's mind.

Regardless of whether the state's attorney objects, though, your case will move forward to the judge. The state's attorney will include his or her recommendation with your petition so the judge can have a more complete picture, so it's in your best interest to do your best at the hearing.



THE JUDGE'S REVIEW

The judge assigned to your case will have access to all your criminal records, and he or she will review your petition. The judge will also look at the state's attorney's recommendation before making a decision.

If the judge agrees that you deserve a fresh start, he or she will sign an order for the agencies that have your records. The order will tell each agency to destroy or return your records to you (in the case of expungement) or to seal your records from the public (in the case of criminal record sealing).



THE JUDGE'S REVIEW

If the judge denies your petition, your criminal record must stay as-is. The judge won't issue an order directing law enforcement agencies to do anything with your records.

APPEALING A JUDGE'S DECISION

You may be able to appeal the judge's decision if the judge denies you expungement or sealing. However, you'll have to file what's called a Motion for Reconsideration and pay another filing fee.



YOU CAN DO THIS. WE CAN HELP.

Whether you choose to work with an expungement attorney or use our do-it-yourself expungement service, you're not alone. The Law Offices of Matt Fakhoury can take the entire process over for you so you don't have to worry about a thing – or we can walk you through everything, step-by-step, so you can file your own petition for expungement or sealing.

You can call us at 847-920-4540 for a free case review, or if you have questions about signing up for DIY Expungement, or you can contact us online. You can also sign up directly at DIY.XpungeChicago.com.

Remember, we're here for you. We believe that you deserve a fresh start through criminal record sealing or expungement – and we can help you get there.

A handwritten signature in black ink that reads "Matt Fakhoury". The signature is written in a cursive, flowing style.