

Preparing for the Hearing

Prepare what you are going to say in court. A sample of what you might say in court is printed below. It's okay to write out what you want to say ahead of time and read it when you go to court. Practice what you want to say so that you won't be too nervous when you go to court.

The Hearing

- You must go to the hearing and testify (talk under oath) in open court about your court record. Once you have testified, the judge will decide if you will get your record sealed.
- In most counties a copy of the order will be provided to you after the hearing – often by mail. Check with your Clerk of Court to see how you will receive your copy of the order.

INSTRUCTIONS FOR YOUR RECORD SEALING HEARING

Try to arrive at your hearing at least 15 minutes before your hearing is scheduled. Once you arrive at the courtroom for your hearing, you should ask the Clerk of the Court how to let the judge know that you are there for your hearing.

When the court calls your case, you will be asked if you are ready to proceed. You must tell the court that you are ready and would like to testify.

You will be asked to take the stand and the court will give you an oath to tell the truth. You are then ready to go forward with your case.

You must testify to the following:

1. My name is _____ . I live at _____ ,
(your full name) (your current street address)
in _____ , and I am the person(or parent/guardian of the person)
(city and state where currently living)

requesting to have my record sealed in this case.

2. Why you feel that the Court should seal your record

Here are some items that the Court is required to take into consideration:

- your age at the time of the offense;
- the nature of the wrongdoing and your role in the offense;

You may wish to mention why the record is an ongoing problem. For example, you may want to make a statement regarding the hardship caused by the existing record if you are unable to apply for college scholarships, unable to gain entrance into an educational program or unable to find work because of your record.

3. *What you have done to make things better since the offense.*

Describe for the Court efforts you made. Here are some examples:

- your behavior after the case (how you have conducted yourself since)
- your response to diversion, mediation, probation, supervision, other treatment or rehabilitation program, or sentence
- your education and employment history since the offense;
- any other circumstances that may relate to your rehabilitation

Conclude by saying, I have nothing further your Honor.

Additional tips for court hearings:

- It is likely that your case will be set on a court “call” calendar at the same time and in the same courtroom as many other cases. There may not be a particular order in which cases are called. You may spend an entire morning or afternoon in court waiting for your case to be called.
- When you approach the bench, be respectful. Do not argue with the judge
- At the end of your presentation, the judge may or may not have questions for you.
- **Remember, this is not a hearing to prove your innocence. It is just a hearing to seal your records. You are not asking for a re-trial.** This is not your chance to argue about the original record or charges. This is your chance to ask the court to seal your record because it is interfering with your ability to work, get housing, or go to school.
- The prosecutor may not have any objection. If the prosecutor does not want the court to seal your records, he or she will object and will tell the judge why. Do not interrupt the prosecutor while he or she is talking.
- If the prosecutor does have an objection, the judge will give you a chance to respond to the prosecutor.
- The prosecutor and judge have access to your criminal record. This record will contain all the criminal charges and convictions you have ever had. For example, traffic tickets, driving without insurance, disturbing the peace. Your criminal record will influence the judge. If you have had other charges and convictions since the conviction for the offense you want sealed, the court will be concerned and will take those events in to account.
- If the judge does not give you that chance, wait until the prosecutor is finished speaking and politely ask the judge if you can respond to what the prosecutor said.
- If the judge says “no,” the judge means “no.”