

Can I Get a Misdemeanor Conviction Off My Record?

YES! Georgia doesn't expunge/destroy records, but you can hide case information from employers and housing providers by restricting AND sealing your case.

What is a Misdemeanor Conviction?

A **misdemeanor** is a charge punishable by a jail or probation sentence of up to 12 months.

A conviction is a case where you ***plead guilty or nolo contendere (no contest), the court or jury found you guilty (after trial), or your first offender/ conditional discharge was revoked.*** Most misdemeanor convictions are eligible for restriction and sealing.

What is Restriction?

Restriction hides criminal arrest and case information from public view for most employers or housing providers on your official Georgia Crime and Information Center ("GCIC") Report. **Law enforcement will always have access to your case.**

What is Sealing?

Sealing hides all court records from public view. This is especially helpful for employment/housing purposes because once a case is sealed, private background check companies cannot report it anymore. Most misdemeanor convictions (*e.g., theft by shoplifting, trespass, simple battery etc.*) can be restricted and sealed by filing a document called a "Motion to Seal" in the original court case that ended in a conviction. The court decides whether or not to grant the motion to seal. The court will weigh the harm to you (*e.g. barriers to employment, housing, professional/work related licensing*) against the public's interest in knowing about the conviction.

Can I Restrict and Seal my misdemeanor conviction?

The law allows you to restrict and seal up to two eligible misdemeanor conviction cases from your record, if you have not been convicted of a new offense in the last four years, have no pending charges, and all charges in the case are eligible for restriction and sealing. You must file a separate motion for each case. ***For more information on which misdemeanors can be restricted and sealed, check out [GJP's "Expanding Restriction and Sealing of Convictions" one-pager.](#)***

How Do I Restrict and Seal a misdemeanor conviction?

You must file a Motion to Restrict and Seal with the court where your case occurred. If the court grants your motion, it will issue an order directing the clerk's office to restrict and seal the criminal history record information related to the conviction. If you want to file a motion to restrict and seal your misdemeanor conviction, you can do that by using the steps starting on the back of this page.

Scan here for video instructions, DIY checklist and example motion to seal a misdemeanor conviction yourself.

(A lawyer can be helpful but is not required.)



Pro Se (Do-it-yourself) Misdemeanor Conviction Restriction & Sealing

STEP 1: Gather Information for Your Motion

- ❑ **Request a copy of your Georgia Crime Information Center (GCIC) Report Purpose Code U** from your local police department/sheriff's office. This cost about \$25. Do not share this with others. A "Purpose Code U" is only for YOU. **IMPORTANT REMINDER: if you think you have a warrant, consult with an attorney BEFORE getting a GCIC.**
- ❑ **Identify which misdemeanor conviction case on your GCIC you want to restrict and seal.** There is a cycle number for each arrest/case. **Remember:** you can only seal 2 misdemeanor conviction cases. If you want to seal more than one conviction, you will have to do this process for each individual misdemeanor conviction—one at a time.
- ❑ **Once you confirm which misdemeanor, fill in the blanks below** for later when you start writing your Motion to restrict and seal. This information will then be added to the motion in Step 2.

===== OTN 88401791306 (Cycle 002 of 004) =====	
Offender Tracking Number (OTN)	88401791306
Earliest Event Date	2015-11-05
Offense Date	2015-11-05

Arrest	(Cycle 002)
Arrest Date	2015-11-05
Case Number	000885309
Arresting Agency	GA0330000 COBB COUNTY SHERIFFS OFFICE
Subject's Name	[REDACTED]
Arrest Type	Adult
Charge	1

Charge Tracking Number	88401791306-001
Charge Literal	THEFT BY SHOPLIFTING
Statute	16-8-14; GA
NCIC Offense Code	2303
State Offense Code	2374
Severity	Misdemeanor

Court Disposition	(Cycle 002)
Case Number	17CR9112
Court Agency	GA033013J COBB COUNTY STATE COURT
Subject's Name	[REDACTED]
Charge	1
Charge Tracking Number	88401791306-001
Charge Literal	THEFT BY SHOPLIFTING
Statute	16-8-14; GA
NCIC Offense Code	2303
State Offense Code	2374
Severity	Misdemeanor
Disposition	GUILTY (CONVICTED / ADJUDICATED) (2016-05-12; Convicted)

Cycle: _____

OTN Number: _____
(case tracking number)

Arrest Date: _____

Charge(s): _____
(List charges exactly as written on GCIC)

Severity: _____
(misdemeanor ONLY)

Disposition: _____
(guilty, nolo, no contest etc.)

Disposition (Conviction) Date: _____

- ❑ **Go to the Clerk of Court online or in the courthouse** where the case happened. Request a copy of the "Final Disposition" showing your Misdemeanor conviction (e.g., Guilty plea, Nolo Contendere (no contest), Guilty after trial, or revoked first offender/ conditional discharge). It may be helpful to provide the clerk with the arrest date on the case, which you can find on your GCIC (above).
- ❑ **Highly Recommended, but Optional:** Collect documents showing how you have been harmed by this case (ex.: job/housing denials) and documents that show accomplishments (e.g. diplomas, certificates, letters of recommendation).

STEP 2: Fill Out the Motion Packet

We recommend typing the motion to seal, proposed order, and certificate of service using the steps below, then printing, and signing it

Motion to Restrict and Seal

- ☐ At the top of the motion, write **“State”** or **“Superior”** court on the first blank space depending on which court handled your case.
- ☐ **On the second blank space**, write the County where your case happened (e.g., In the State Court of Dekalb County).
- ☐ On the blank space just above where it says “Defendant”, write **Your Name**. Also fill in the **Case Number** (found on Final Disposition), **OTN** (found on GCIC), and **Judge Name** if you have it (often you won’t).
- ☐ **In paragraph 1**, write in the **Arrest Date** and the **Conviction Charges** in your case in the spaces.
- ☐ **In paragraph 2**, in the first space write the **Disposition/Conviction Date**. In the second space, write the **disposition/conviction charge(s)**. In the third space, write the **county** where the case happened. In the fourth space, write **“State”** or **“Superior”** court.
- ☐ **In paragraph 7**, in the first space, list how many years since your arrest in this case. In the second space, **explain how you have been harmed** by the case not being sealed. *Be as specific as possible.*

Example: *“On [date] I applied for a job with [company name]. I went through the application process and was offered a job, but after they ran my background check, they told me [they could not hire me/I never heard back].”*

- ☐ **Also, in paragraph 7** (after “additionally”), share any accomplishments or positive parts of your life since the arrest that you think the court should know about. For Example: Diplomas /Certificates/letters of support/references/treatment/community involvement.
- ☐ **In the WHEREFORE** paragraph, write in the Court and County information that you listed at the top of the motion.
- ☐ **DATE, SIGN AND ADD YOUR CONTACT INFORMATION TO LAST PAGE OF MOTION IN BLUE INK.**

Proposed Order

- ☐ Just like for the motion: write **“State”** or **“Superior”** and the **County** at the top of the page, write **Your Name** on the blank space above where it says “Defendant” and add your **Case Number, OTN, and Judge Name**.
- ☐ Also write in the county, court, OTN, and arrest date. information on the blank spaces within the first paragraph.
- ☐ **DO NOT** date or sign the section above where the judge will sign. If you accidentally sign or date this section, reprint and start this page over.
- ☐ **SIGN YOUR NAME IN BLUE INK ON THE LINE THAT SAYS “DEFENDANT.”**

Certificate of Service

- ☐ Just like for the motion: write **“State”** or **“Superior”** and the **County** at the top of the page.
- ☐ **Write Your Name** on the blank space above where it says “Defendant” and add your **Case Number and Judge Name**.
- ☐ On the blank spaces underneath **“Certificate of Service,”** write in the date you gave it to the clerk/prosecutor, the name of prosecutor you gave it to, which court you filed it in, and how you filed it (certified mail, e-filing, hand/personal delivery).
- ☐ **DATE, SIGN AND ADD YOUR CONTACT INFORMATION TO FINAL PAGE IN BLUE INK.**

STEP 3: File the Motion

- ☐ **Put your motion packet in the following order:**
 - ▶ 1. *Motion to seal* ▶ 2. *Supporting documents (disposition, support letters, denials)*
 - ▶ 3. *Proposed order*, ▶ 4. *Certificate of service*.
- ☐ **Once you complete all sections of the motion packet, make two more copies of the entire motion packet**, including supporting documents. You should now have **three** packets total.
- ☐ **Bring the 3 copies of your Motion to Seal Packet to the Clerk's Office** in the court where the case happened.
- ☐ **Ask the Clerk of Court** for the name of the Judge where your case will be assigned and write it down in the judge space at the top of each copy of the motion (if the clerk doesn't know, you can still file your motion and follow up later). *Grab the clerk's number to follow up if needed.*

- ☐ **Ask the clerk to stamp all 3 copies. Then:**

ORIGINAL COPY:	File it by leaving it with the Clerk. Ask the clerk where to go to serve a copy on the prosecutor (Solicitor or District Attorney).
SECOND COPY:	Take it to the Prosecutor's (Solicitor or District Attorney) Office. You can leave it with the front desk but ask them to stamp the copy you're giving them and the third copy, which you'll keep for yourself. If you can, write down the name of who you gave it to.
THIRD COPY:	Keep this copy for your records.

- ☐ **Wait two weeks.** If you have not received a signed order OR court notice for you to appear for a hearing, call the clerk of court to ask for the name of/contact/email information for the judge's chambers where your case has been assigned. *Patience and kindness will go a long way here.*
 - *Sample script for the clerk: "Dear/Hello _____. My name is _____. On [date], I filed a Motion to Seal in case number []. Can I kindly get the judge's name and contact information for the judge's chambers where my case has been assigned?"*
- ☐ Next, call or email the judge's chambers to ask if the judge has signed the order or if a hearing date has been set for the case.
 - *Sample script for call/email: "Dear/Hello _____, My name is _____. On [date], I filed a Motion to Seal case number []. Can you kindly let me know if the judge has signed my order or if a hearing date will be set on the case?"*
- ☐ **If a hearing date has been set by the court**, you must attend the hearing in person to have your case sealed. Arrive to the courthouse early. Be prepared to explain in your own words how the conviction case on your record not being sealed is harming you, and any other reasons you believe your case should be sealed. **Bring copies of all supporting documents or any witnesses if you have them.**
- ☐ **If the Judge signs an Order to Seal, CONGRATULATIONS!** *If denied, call us for possible next steps.*
- ☐ A few days after the judge signs the order, contact the Clerk of Court to confirm that the file has been sealed and that the case does not show up on the clerk's online database (if one exists).
- ☐ *****KEEP A COPY OF THE SIGNED RESTRICTION AND SEALING ORDER FOR YOUR RECORDS*****
- ☐ If your record has been sealed but still appears on a private background check, there are steps you can take to correct it. (See GJP's Private Background Check handout for more information.)