

Can I Get a Non-Conviction (a dismissed case) 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 non-conviction?

A **non-conviction** is a case that ended in a **dismissal, nolle prosequi, no bill, or acquittal (not guilty after trial)**. Most non-conviction cases can be restricted and sealed but **EVERY** charge in the case must end in a non-conviction to qualify. It's recommended to restrict and seal all eligible non-convictions, so they do not appear on background checks.

What is Restriction?

Restriction is the first step in the Georgia record-clearing process. Restriction hides criminal arrest and case information from third parties on your official Georgia Crime and Information Center ("GCIC") Report. Law enforcement will always have access to your case. You are entitled to restriction for all eligible non-convictions. This step is required before you can file a motion to seal a case.

What is Sealing?

Sealing is the final step in the record clearing process. Sealing hides all court records from public view. This is helpful because once a case is sealed, private background check companies cannot report it anymore for employment/housing purposes. To seal your case, you must file a motion. A motion to seal is a document you file in court asking the judge to seal your case. The court decides whether or not to grant the motion. The court will weigh the harm to you (e.g. *barriers to employment, housing, professional or work-related licensing*) against the public's interest in knowing about the non-conviction. You must file a separate motion for each case you want to seal.

Can all non-convictions be restricted and sealed?

Almost all cases that end in a non-conviction can be restricted and sealed. What matters the most is why the case ended as a non-conviction and making sure that ALL charges in the case ended in a non-conviction. You cannot restrict and seal a dismissed case if it was dismissed because of a plea to another charge in the case, or a motion to suppress was granted. For other exceptional reasons why, a non-conviction cannot be restrict and sealed see OCGA 35-3-37(i). ***Even if you can't restrict and seal your case, please know that non-convictions cannot appear on private background checks 7 years after the arrest.***

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

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



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

Step 1: Gather Information

- ☐ **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 non-conviction cycle on your GCIC you want to seal.** There is a cycle number for each arrest/case. Every charge in the case MUST be dismissed.
- ☐ **Make sure the non-conviction has been restricted on your GCIC.** See examples below. If not restricted yet see step 2.
- ☐ **Once you confirm the cycle is restricted, fill in the blanks below** for later use in your restriction application and/or Motion to Seal.

```
===== OTN 88396639074 (Cycle 2 of 4) =====
Offender Tracking Number (OTN)      88396639074
Earliest Event Date                 2014-09-18
Offense Date                        2014-09-18
```

CYCLE: _____

```
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Arrest (Cycle 2)
Arrest Date 2014-09-18
Case Number 20140918-050040
Arresting Agency GA1020100 FORSYTH POLICE DEPARTMENT
Subject's Name [REDACTED]
Arrest Type Adult
```

OTN Number: _____
(case tracking number)

```
Charge 1
Charge Tracking Number 88396639074-1
Charge Literal THEFT BY TAKING
Statute 16-8-2; GA
NCIC Offense Code 2399
State Offense Code 2383
Severity Misdemeanor
```

Arrest Date: _____

```
-----
Court Disposition (Cycle 2)
Case Number [REDACTED]
Court Agency GA102015J MONROE COUNTY SUPERIOR COURT
Subject's Name [REDACTED]
```

Charges: _____
(List charges exactly as written on GCIC)

```
Charge 1
Charge Tracking Number 88396639074-1
Charge Literal THEFT BY TAKING
Statute 16-8-2; GA
NCIC Offense Code 2399
State Offense Code 2383
Severity Misdemeanor
Disposition NOLLE PROSEQUI/NOLLE PROSSSED - RESTRICT NON-CJ
PURPOSE (2013-02-04; Dismissed)
```

"RESTRICT NON-CJ PURPOSE" is usually what it says on GCIC when a case has been properly restricted.

- ☐ **Go to the Clerk of Court** in the courthouse where the case happened. Felonies usually go to Superior Court and Misdemeanors usually go to State Court. Request a copy of the "Final Disposition" showing the non-conviction (e.g. dismissal, no bill, acquittal, "nolle pross", etc.). It may help to provide the clerk with the arrest date, 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: Restrict Your Non-Conviction (if it is already restricted go to step 3)

For cases that happened **after July 2013**

- ☐ Call or go to the clerk's office where the case originally happened and ask them to restrict it.

For cases that happened **before July 2013**

- ☐ Go to the police department or sheriff's office that arrested you and tell them you want to complete a "restriction application." Complete "Section One – Applicant Information" and submit it to the arresting agency to fill out the rest and give to prosecutor. Usually costs \$25.

Step 3: Fill Out the Pro Se Motion Packet Provided

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

Motion to Seal

- ☐ At the top of the motion, write **“State”** or **“Superior”** on the first blank space depending on which court handled your case.
- ☐ **On the second blank space**, write the **County** where your case happened (example: In the Superior 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 so you can leave it blank).
- ☐ **In paragraph 1**, write the **Arrest Date** and the **Charges** in your case (found on GCIC).
- ☐ **In paragraph 2**, write the **Dismissal** or **Nolle Pros Date** (found on Final Disposition).
- ☐ **In paragraph 5, explain how you have been harmed** by the case not being sealed.
We understand this may be painful or sensitive process but try to 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 5** (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/completed 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”, **Case Number**, **OTN**, and **Judge Name**.
- ☐ Also write in the **Court** and **County** 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. Also, write **Your Name** on the blank space above where it says “Defendant”, the **Case Number**, **OTN**, 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 4: File the Motion

- ☐ **Put your motion packet in the following order:**
 - ▶ 1. Motion to seal ▶ 2. Supporting documents (disposition, support letters, job/housing 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 in case you need to follow up.

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

ORIGINAL COPY:	File it by leaving it with the Clerk. Then, 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 case not being sealed is harming you, and any other reasons you believe your case should be sealed. This is the same information that you put in your motion. Be sure to bring ALL supporting documents and/or any positive character 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 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. [\(See GJP's Private Background Check handout for more about your rights.\)](#)