

New Edition of Online Relief Guide

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At long last I have completed the 2015 edition of my online guide to relief from a criminal conviction. This free guide, available [here](#) on the School of Government's website, covers the various forms of relief available under North Carolina law, including expunctions, certificates of relief, and other procedures. It includes changes made by the General Assembly through the end of its 2015 legislative session.

This edition of the guide is longer, reflecting the greater attention that the General Assembly has given this area of law in recent years. The opportunities for relief are greater as well, but a petitioner still must meet precise statutory criteria to succeed. *See generally* [2014 Expunctions Report \[NCAOC and DOJ Joint Report Pursuant to G.S. § 15A-160\]](#) (Sept. 1, 2014) (providing data on expunctions from 2008 to 2014; in fiscal year 2013–14, courts granted approximately 13,000 expunctions of dismissals but approximately 700 expunctions of convictions and other matters).

The guide is intended to help judges, lawyers, and others navigate this surprisingly complex area of law. Like the previous edition, the guide includes a brief explanation of each type of relief along with a table identifying the requirements for each. Another feature of the guide, thanks to the School's new website, is that it automatically adjusts to the screen of your electronic device, including mobile phones, eliminating the need to resize the screen to view the information you want. Live links to statutes, forms, and other resources appear throughout the guide.

The guide addresses many of the questions I have received since the previous edition, reflected in the body of the guide and in a longer section of frequently addressed questions. Here's a sample, with my brief answers and links to the lengthier analysis in the guide.

- [Can a "true" prayer for judgment \(PJC\) be expunged?](#) A true PJC occurs when a defendant has pled guilty or has been found guilty and the court indefinitely continues the case without entering judgment. Although no judgment of conviction is entered, a true PJC is the final disposition in the case; and for many purposes, such as sentencing in a later case or employment licensing, a PJC is treated as a conviction. The language of the expunction statutes as well as the policy reasons behind them support expunction of this type of disposition under the same circumstances as for an expunction of a final judgment of conviction.
- [Can a person obtain an expunction of a dismissal of a felony if convicted of a misdemeanor?](#) G.S. 15A-146 sets forth the criteria for expunctions of dismissals. The statute does not make a misdemeanor conviction a bar, whether it occurs before, after, or at the same time as a dismissal of other charges. The last situation may arise when a person faces multiple charges. For example, a person may be charged with a felony and misdemeanor but be convicted of the misdemeanor only. This result could be part of a plea agreement, in which the prosecutor dismisses the felony and the person pleads guilty to a misdemeanor. Or, a person may be charged with a felony only and be convicted of a lesser misdemeanor, effectively resulting in dismissal of the felony charge. Because a misdemeanor conviction is not a bar, a person should be able to obtain an expunction of the felony charge in those instances if he or she otherwise meets the criteria for an expunction.

One of the nice features of an online publication is that it can be easily updated with changes in the law and other

information. Let me know if you have questions not addressed in the guide or other interpretations. For people with prior criminal convictions who are trying to regain their footing, this is an area of law worth further consideration.