

# SPECIAL REPORT

# THE 10 MYTHS OF EXPUNGING YOUR CRIMINAL HISTORY

You're about to discover the little-known strategies that can save you from needless heartaches and protect your future.

*By John Razumich*





# THE 10 MYTHS OF EXPUNGING YOUR CRIMINAL HISTORY

Despite the best efforts of you and your defense attorney, sometimes it's impossible to completely avoid being convicted of criminal charges. Once upon a time, having a criminal conviction was a permanent mark that would always haunt a person until the end of their days. Fortunately, changes in the law in recent years have allowed for an increased ability to expunge and seal criminal histories so that the past can stay in the past where it belongs.

Not all expungements are the same, and it's important for you to have someone in your corner who can help you to navigate the administrative requirements to get your record properly expunged. Contact an experienced and skilled expungement attorney as soon as possible.

To help you get clear about your options, let's take a look at 10 common myths.



# MYTH NUMBER 1:

## I DON'T NEED AN ATTORNEY; I CAN HANDLE THIS EXPUNGEMENT ON MY OWN

While many courtrooms will have “self-service” forms available for people who want to represent themselves, there is always an element of risk involved in handling your own legal matters. For example, a person is only allowed ONE expungement in their lifetime, and if a conviction is missed or forgotten about and not expunged it will ALWAYS remain visible. An experienced expungement attorney can also ensure that all of your criminal record is properly expunged so that NOTHING remains to cause you embarrassment in the future.

While hiring an attorney for an expungement is not mandatory, you could be risking your future trying to work through this alone. Understanding the intricate procedures involved during court proceedings can be challenging. Your expungement attorney can apply years of experience and offer the best outcome for you possible.

Or maybe you just want to ask someone what your rights are?

If you are trying to clear up your criminal history, you have choices.

# **MYTH NUMBER 2:**

## **THE CONVICTIONS ON MY RECORD ARE ALL OLD, AND DON'T REALLY MATTER ANYMORE**

Believe it or not, there are nearly 790 consequences in Indiana for having a criminal conviction on your record. While some of these consequences are related to owning firearms, many more are related to restrictions on obtaining specific employment licenses, which means that a 20-year old conviction can still affect your present and future. Some convictions can even prohibit a person from being on school property, which means that an old conviction can cause you to miss out on important parts of your children's lives.

While we are always happy to hear that the people we speak with are in stable jobs or stable homes, life tends to happen in unexpected ways. The job market is competitive, and there are no protections against employers who decide to not interview a candidate because of an old criminal conviction on their background. For the same reason, apartments are not required to rent to a person with a conviction, and many times people with convictions that they thought no longer mattered can find themselves struggling to find a home if a catastrophe strikes.

# MYTH NUMBER 3: ALL EXPUNGEMENT ATTORNEYS ARE EQUAL

## ***Sentence modification law is a complicated practice.***

The laws are changing all of the time. These changing laws—particularly from state to state—make it hard for people to know their rights. I run across people all the time that have pre-conceived notions about what the laws are, but they find out they are vastly different than they thought.

Not all lawyers perform all of the work necessary to aggressively defend their client in every case. A skilled expungement attorney will not compromise any professional standards and will take every action possible to best serve his or her client, including determining whether or not any felony convictions can be reduced BEFORE expungement, which is something that many attorneys poorly educated in expungement law might miss.

# MYTH NUMBER 4:

## THE MOST EXPENSIVE EXPUNGEMENT ATTORNEYS ARE THE BEST

There are many well-meaning people who don't always know the facts. You may have been told that you have to hire the attorneys who drive fancy cars or wear expensive suits to be sure you will be served best. In fact, a co-worker or family member may be telling you incorrect information.

When interviewing an expungement lawyer, you should find out in detail what work the lawyer will do to defend the case:

- Will he do a complete criminal background check to make sure he has every conviction needed?
- Are there legal issues he will research?
- Will he provide you with copies of your records so that you can understand the process?
- How often does he handle expungements?



- Does he view the case as complex or simple? Why?
- Is the lawyer smart?
- Is the lawyer Motivated?
- Is the lawyer well educated in this area of law?
- Is the lawyer experienced in this area of law?

Ask these questions before factoring in price.

# **MYTH NUMBER 5:**

## **THE CONVICTION WILL STOP SHOWING UP EVENTUALLY, AND AN EXPUNGEMENT IS UNNECESSARY**

The computers that run our lives today are amazing things, and human error **SOMETIMES** works in our benefit. It's true that some people have been fortunate enough that their convictions might have been entered incorrectly, or paperwork was not properly sent from the county of conviction to the State Police. This is the exception, **NOT** the rule.

Even if a criminal conviction doesn't show up on a background check today, there's no guarantee that it won't show up on a background check in the future. It's a safer and wiser investment to make sure that your criminal history is properly expunged by a skilled expungement attorney rather than to gamble that a future you've worked hard to protect doesn't come to pass because of an old mistake.

# MYTH NUMBER 6:

## I READ THAT I WAS GUARANTEED AN EXPUNGEMENT, SO HIRING AN ATTORNEY IS A WASTE OF MONEY

It's true that Indiana law holds that some types of expungement are what are known as "non-discretionary," which means that the Court has no option but to grant the expungement as long as the paperwork is filed correctly. The key phrase in that statement is "as long as the paperwork is filed correctly"; failure to file the paperwork in the correct manner can result in your expungement being denied, which can cost you your opportunity to have the conviction permanently sealed and put behind you.

Without an attorney, you will be held responsible for creating an electronic filing identification, properly preparing the paperwork, making sure that your pleadings and any orders are all sent to the proper agencies, and appearing at any hearings and properly testifying as to the facts of your expungement. With an attorney, all of those concerns are taken care of for you, and you may be able to resolve your expungement without ever needing to leave the comfort of your home.

Hiring an expungement attorney guarantees you the peace of mind to know that this is all being taken care of properly. And peace of mind is NEVER a waste of money.

# **MYTH NUMBER 7:**

## **THE RECORDS MAY STILL SHOW UP ON SOME WEBSITES, SO IT'S NOT WORTH THE EFFORT TO GET AN EXPUNGEMENT**

The internet has been a great tool to make our lives easier, but it can sometimes make it more difficult to move on from past mistakes.

It's true that third-party websites like Mugshots.com or newspaper archives might have old records relating to your arrest and conviction, but it takes a dedicated effort to find those records and most people aren't interested in that much work. Background checks from employers or landlords focus on reputable organizations like Lexis.com, and those organizations will pull data from the Indiana State Police directly, NOT from outside sources.

It may not be possible to completely erase your mistake from every corner of the internet, but you CAN erase it from the places that you need to in order to move on with your future.

# MYTH NUMBER 8:

## JUDGES DO NOT LIKE WHEN YOU HIRE AN ATTORNEY AND ARE LESS LIKELY TO GRANT YOUR PETITION WHEN YOU DO

I have heard the myth that Judges don't like people who hire attorneys for years, and I've never understood it.

The complexity of the law can present many confusing challenges. In many cases, a judge can become more frustrated with a person who is unable to follow the court rules or is not properly prepared.

Overall, judges prefer when a person hires an attorney. Less time is wasted explaining procedures and the judge will be able to move through the process more quickly. He or she will be less frustrated by having to point out things and define terms to the defendant.

Additionally, having an attorney handle your expungement might get it granted faster. Judges know that an attorney will file your paperwork properly, meaning that less time is needed to review it, so you can receive your Order of Expungement more quickly than if you filed on your own.

# MYTH NUMBER 9:

## EXPUNGEMENT ATTORNEYS WILL NEVER TELL YOU WHAT YOU CAN EXPECT TO PAY FOR REPRESENTATION

You have been told that when you hire an attorney, you will never know how much you will pay.

It's true, representation can be costly.

You can receive the answers you need by just asking some simple questions.

- Do you charge a flat fee or are your fees hourly?
- If you charge by the hour, what is your rate?
- Will I have to pay a retainer fee and if so, how does that work? I
- If you charge a flat fee, what does it include and what doesn't it include?
- Is it refundable?
- Do I have to pay it all up front?
- What are my expected expenses outside of the attorney fee?

Can you provide an estimate for them?

# **MYTH NUMBER 10:**

## **YOU CAN'T ASK QUESTIONS ABOUT YOUR CASE AFTER YOU'VE HIRED YOUR EXPUNGEMENT ATTORNEY**

When you invest in a law firm to handle your expungement, you are investing in a service. Part of that service is making sure that you are completely satisfied and understand the process that is happening to get you to the result that you want. That involves communication and answering your questions as you have them.

The best attorneys will take the appropriate amount of time to address your concerns and put you at ease throughout the process. This continues even after your case has resolved. Clients that we've helped with on expungement matters will often call us months or years later with questions on other matters or to ask for additional help for friends and family. We are always happy to answer those questions, and we always will be.

# FINAL THOUGHTS

Thank you for taking the time to read this special report. It was our intention to provide you with good information that you can use to make a more informed decision.

There is no way that we could answer every question or cover every situation in this special report. The best way for you to get the most accurate information concerning your unique situation is to make an appointment today with my office.

You are under no obligation during this appointment and we can talk about your unique situation and help you determine the next step together.

Give my office a call today at **(317)526-1453**

Remove the stress, worry and doubt and speak to us today. You will be glad you did.







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FIGHTING FOR YOU.**

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