Nicholas Clark

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Re: Criminal Record Expunctions – Durham, Orange, Franklin, Avery and Granville County

Dear Mr. Clark:

You reached out to Legal Aid of North Carolina for help expunging certain criminal matters. This letter summarizes your criminal record, gives you legal advice based on your record, and tells you how we will be able to help you.

* **Summary of Criminal Record**

Our office conducted a criminal record search of the court’s public database using the information you gave us. This record is called a CIPRS record. According to the records we found, you have multiple charges which have resulted in convictions and dismissals. Please note that this list may be incomplete, does not include probation violations, traffic matters, or out-of-state charges, and should not be used instead of a criminal background check. This list does not include any pending charges; “pending” means that the charge is still active in court. If you notice any missing charges, or charges you do not recognize as yours, please contact me immediately.

***Felony Convictions***

*(County, File Number, Description, Date of Disposition)*

* Durham, 11CR053962, AID ABET LARCENY (F), 2011-09-22

***Misdemeanor Convictions***

*(County, File Number, Description, Date of Disposition)*

* Durham, 11CR053962, MISDEMEANOR LARCENY, 2011-09-22

* Durham, 11CR053962, MISDEMEANOR PROBATION VIOL, 2012-06-08

* Halifax, 04CRS057141, ASSAULT INFLICT SERIOUS INJ(M), 2004-12-13

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* Halifax, 04CRS057141, ASSAULT INFLICT SERIOUS INJ(M), 2004-12-13

* Caldwell, 12CR050332, POSSESS MARIJUANA UP TO 1/2 OZ, 2015-01-26

* Caldwell, 12CR050332, POSSESS DRUG PARAPHERNALIA, 2015-01-26

***Misdemeanor/ Felony Conviction before Age 18***

*(County, File Number, Description, Date of Disposition)*

* Durham, 11CR053962, MISDEMEANOR LARCENY, 2011-09-22

* Durham, 11CR053962, MISDEMEANOR PROBATION VIOL, 2012-06-08

* Halifax, 04CRS057141, ASSAULT INFLICT SERIOUS INJ(M), 2004-12-13

* Halifax, 04CRS057141, ASSAULT INFLICT SERIOUS INJ(M), 2004-12-13

* Halifax, 04CRS057141, ASSAULT INFLICT SERIOUS INJ(M), 2004-12-13

* Caldwell, 12CR050332, POSSESS MARIJUANA UP TO 1/2 OZ, 2015-01-26

* Caldwell, 12CR050332, POSSESS DRUG PARAPHERNALIA, 2015-01-26

***Dismissed Charges***

*(County, File Number, Description, Date of Disposition)*

* **Granville, Avery, Orange and Durham County Convictions**

North Carolina GS §15A-145.5 controls whether your felony and misdemeanor convictions are eligible for expunction. Under current North Carolina law, a person may expunge one felony conviction, or one or more “non-violent” misdemeanors, if they meet certain criteria. To be eligible to expunge any convictions under this law, a person may not have a conviction for a felony Class G or higher, for a Class A1 misdemeanor, or for any assault or certain controlled substances offenses. Place your review here.

* **Durham County Conviction Under Age 18**

North Carolina GS §15A-145.8A controls whether your Durham County conviction from 1999 is eligible for expunction. Under this new law, a person may expunge certain felony and misdemeanor convictions if they were committed before December 1, 2019, and if the person was under age 18 at the time of the offense. The person must have paid any restitution orders for the underage conviction. These expunctions are limited to misdemeanors and Class H or I felonies, it does not remove motor vehicle offenses or offenses requiring sex offender registration.

Place your review here.

* **Durham, Franklin, and Granville County Dismissals**

North Carolina GS §15A-146 controls whether your felony and misdemeanor dismissed charges are eligible for expunction. Under current North Carolina law, a person may expunge any number of dismissed charges, regardless of their criminal history. This law changed on December 1, 2020; before, a person was not eligible if they had a felony conviction anywhere in the United States. Place your review here.

* **Next Step**

I have filed the petitions to expunge your dismissed charges in Durham, Franklin and Granville Counties. Generally, it takes between four to eight weeks for these petitions to be processed by the Court. I will notify you when I hear back from the different courts. At this time, your petitions in Franklin County District Court, Durham District Court, Granville District Court, Granville Superior Court, and Franklin County Superior Court requests to expunge dismissed charges have been granted. We are still waiting to hear from the Durham County Superior Court and a Durham District Court Not Guilty Petition.

If you have any questions or concerns about this advice, feel free to contact me. **Please keep me updated if your contact information changes.** Place your contact information here.

Respectfully,

Ali Nininger-Finch ph: 984-297-2026