

State of South Carolina

Charleston County
101 Meeting Street, Suite 400
Charleston, SC 29401
Phone (843) 958-1900
Fax (843) 958-1905



Berkeley County
300-B California Avenue
Moncks Corner, SC 29461
Phone (843) 723-3800 ext. 4529
Fax (843) 719-4588

SCARLETT A. WILSON
Solicitor, Ninth Judicial Circuit

DIRECTIONS FOR EXPUNGEMENT

The expungement process will take approximately 12 to 16 weeks to complete if the following steps are complete and SLED approves your Order. If any of the following directions are omitted, it will result in the Order being returned to you.

1. Complete all of the **highlighted** areas. Do not sign or print in the area that states: "Name of Defense Counsel (if represented)" unless you are the attorney submitting the request.
2. Complete and sign the attached Authorization for Destruction of Arrest Records Procedure.
3. Obtain a copy of the final disposition from the Clerk of Court in which your case was handled and submit with the Expungement Order.
4. Fees:
 - a. Administrative Fee: \$250.00 payable to: **Ninth Circuit Solicitor's Office**
 - b. Clerk of Court Filing Fee: \$35.00 made payable to: **Clerk of Court**
 - c. SLED Filing Fee: \$25.00 made payable to: **SLED**.

**Fees are different for expungements under Sections 17-22-150(a) and/or 44-53-450(b)*

***Fees: All fees must be paid by money orders or certified checks** and should be purchased at the time of submission of your Expungement Application. No money orders or certified checks with an issue date of greater than six months from the receipt of the Expungement Application will be accepted or processed. Additionally, no money orders or certified checks that are modified in any way (i.e., whited out, scratched out, etc.) will be accepted.

Fee Exemption: General Sessions charges pursuant to Section 17-1-40 are expunged at no cost to the Defendant unless the charge was dismissed, discharged, or nolle prossed as part of a plea agreement under which the Defendant pled guilty and was sentenced on charges.

5. Include a self-addressed and stamped envelope for your copy of the final Order to be returned to you.
6. Mail the Order with all of the information above and fees to:

Charleston County

Solicitor, Ninth Judicial Circuit
Expungement Clerk
101 Meeting Street, Suite 400
Charleston, SC 29401

Berkeley County

Solicitor, Ninth Judicial Circuit
Expungement Clerk
300 California Ave #B
Moncks Corner, SC 29461

****Please be advised that Expungement Orders do NOT destroy records of public information obtained by 3rd Parties (i.e. Mugshots.com; People Finder; Spokeo; etc.) and it is not the responsibility of this office to have the information deleted or corrected****

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PLEASE PRINT NAME AND MAILING ADDRESS

Receipt Date: _____
(For office use only)

Tracking Number: _____
(For office use only)

Tracking the Expungement Order

The expungement process has many steps and takes weeks to complete. You may track the progress of your expungement application online via our website www.scsolicitor9.org "Expungement Case Inquiry" link. Click the link and then type in your tracking number to see when each step in the process is cleared. Personal information such as name, warrant number, arrest information, etc. will not be displayed to maintain confidentiality in the process and to protect your identity.

AUTHORIZATION FOR DESTRUCTION OF ARREST RECORDS PROCEDURE

I hereby authorize the Ninth Circuit Solicitor's Office to process an Order for the Destruction of Arrest Records with the information provided on the attached order. I understand there is a mandatory administrative fee of \$250.00 made payable to the Solicitor's Office by money order unless the fee is exempted by State Code. The administrative fee is per Order and per Warrant. In the event there are multiple Warrants on the same day of arrest, there will only be one administrative fee however I must complete separate Orders for each Warrant. I further understand that the fees for the Solicitor's Office and SLED are for an administrative fee to determine if my charge is eligible for expungement and the fees will not be refunded back to me if my charge is deemed ineligible for expungement.

Signature

Date

Phone Number

Email Address



**SOUTH CAROLINA
JUDICIAL BRANCH**

STATE OF SOUTH CAROLINA

COUNTY OF _____

IN THE COURT OF GENERAL SESSIONS

ORDER FOR DESTRUCTION OF ARREST RECORDS

The State of South Carolina

v.

_____,

Defendant

AKA _____

Race _____ Sex _____ Age _____

DOB _____ SSN _____

SID # _____

Charges were disposed of in the court indicated below:

☐ Magistrate ☐ Municipal ☐ General Sessions

IT APPEARS that the defendant is entitled to have all records, including any outstanding bench warrants, relating to this offense expunged and destroyed or sealed according to the applicable section of the South Carolina Code of Laws indicated below:

Warrant / Indictment # _____

Date of Arrest _____

County of Arrest _____

Arrest Charge _____

☐ § 17-1-40. The charge was dismissed, *nolle prossed*, or the defendant was found not guilty on _____.

☐ § 22-5-910. The defendant was convicted of an offense in magistrate, municipal or general sessions court for a crime carrying a penalty of not more than 30 days imprisonment or a fine of \$1,000, or both, or a first offense for unlawful possession of a firearm or weapon carrying a penalty of not more than one year or a fine of one thousand dollars, or both, on _____, that offense did not involve an offense involving the operation of a motor vehicle, and no additional criminal conviction as defined by § 22-5-910 has taken place within three years from date of conviction **or** five years from the date of conviction for first offense criminal domestic violence (conduct occurring prior to June 4, 2015) or third degree domestic violence under § 16-25-20. (*Summary court judge must attest to eligibility if disposed of in that court.*)

☐ § 22-5-920. The defendant was convicted of a first offense as a youthful offender on _____, that offense did not involve the exceptions enumerated in § 22-5-920, and no additional criminal conviction as defined by § 22-5-920 has taken place during a five-year period following completion of his sentence, including probation and parole as a youthful offender. The sentence was completed on _____.

☐ § 22-5-930(A). The defendant was convicted of a first offense simple possession of a controlled substance under Article 3, Chapter 53, Title 44 or unlawful possession of a prescription drug under § 40-43-86 (EE) on _____ and no additional convictions, to include out-of-state convictions, have taken place during a three-year period following completion of his sentence, including probation and parole. The sentence was completed on _____.

☐ § 22-5-930(B). The defendant was convicted of a first offense possession with intent to distribute a controlled substance under Article 3, Chapter 53, Title 44 on _____ and no additional convictions, to include out-of-state convictions, have taken place during a twenty-year period following completion of his sentence, including probation and parole. The sentence was completed on _____.

☐ § 34-11-90(e). The defendant was convicted of a first offense misdemeanor under the fraudulent check law on _____ and no additional criminal conviction as defined by § 34-11-90(e) has taken place in one year from date of conviction.



**SOUTH CAROLINA
JUDICIAL BRANCH**

☐ § 44-53-450(B). The defendant, who has not previously been convicted of any offense under Article 3, Chapter 53, Title 44 or any offense under any state or federal statute relating to marijuana, stimulant, depressant, or hallucinogenic drugs, successfully completed all terms of and received a conditional discharge of possession of a controlled substance under § 44-53-370(c) and (d), or § 44-53-375(A).

☐ § 56-5-750(F). The defendant was convicted of a misdemeanor first offense failure to stop motor vehicle when signaled by law enforcement vehicle on _____ and no additional criminal conviction has taken place for three years after completion of the sentence. The sentence was completed on _____.

SLED verifies the offense listed above is eligible for expungement: ☐ Yes ☐ No

SLED _____ Date _____

IT IS ORDERED that all records relating to such arrest and subsequent discharge, including associated bench warrants, pursuant to the above-referenced section be expunged and destroyed and that no evidence of such records pertaining to such charge shall be retained by any municipal, county or state agency except as follows:

- (1) arrest and booking record, associated bench warrants, mug shots and fingerprints of the defendant shall be retained under seal pursuant to § 17-1-40, by law enforcement, detention, correctional and prosecution agencies for three years and one hundred twenty days, and law enforcement and prosecution agencies may retain the information indefinitely under seal for purposes set forth in § 17-1-40 (B)(1)(a) and (b); under § 17-1-40 (C)(1), this order does not require the destruction of evidence gathered, unredacted incident and supplemental reports, and investigative files, which statutorily shall be retained under seal for three years and one hundred twenty days, and may be retained indefinitely under seal for purposes set forth in § 17-1-40 (C)(1); and information retained under seal by law enforcement, detention, correctional and prosecution agencies pursuant to § 17-1-40 is not a public information and is exempt from disclosure, except by court order;
- (2) probation records retained by S.C. Department of Probation, Pardon, and Parole Services pursuant to § 17-1-40 (B)(3) whose charges were dismissed by conditional discharge pursuant to § 44-53-450;
- (3) nonpublic information retained by S.C. Law Enforcement Division (SLED) pursuant to § 22-5-910, § 22-5-920, § 34-11-90(e), and § 44-53-450; and
- (4) nonpublic information retained by SLED and S.C. Department of Public Safety/Department of Motor Vehicles pursuant to § 56-5-750(F), as well as any nonpublic records retained by S.C. Commission on Prosecution Coordination as required by law.

Defense Counsel (if represented)

S.C. Bar No.

To be completed by Summary Court Judge if charge disposed of in that court:

I ATTEST that the defendant is eligible for expungement pursuant to § 22-5-910, § 34-11-90(e), or § 44-53-450(B).

I CERTIFY (check one):

☐ The defendant was fingerprinted and the summary court has coordinated with SLED and confirmed the criminal charge is statutorily appropriate for expungement.

☐ The defendant was not fingerprinted and the summary court has coordinated with the arresting law enforcement agency and confirmed that no fingerprints were taken from the defendant for this charge.

Summary Court Judge

Printed/Typed Name

Date



SOUTH CAROLINA
JUDICIAL BRANCH

To be completed by Circuit Solicitor: The Circuit Solicitor consents, declines to consent, or has determined the applicant is ineligible for expungement (select only one, sign, print name, and date).

☐ Consents (charge dismissed): The charge covered by this order was not dismissed or *nolle prossed* because of successful completion of the Pre-Trial Intervention Program, Traffic Education Program, Alcohol Education Program, or any other statutorily authorized diversion program operated by a solicitor's office. The charge covered by this order can legally be expunged.

☐ Consents (charge considered dismissed/*nolle prossed*): The records and/or case management system of the office of the Circuit Solicitor do not reflect that the charge covered by this order is currently pending. The Circuit Solicitor and/or staff has searched, but found no court record, SLED record, prosecutorial agency record, and/or law enforcement agency record that shows a disposition for the charge. The Circuit Solicitor interprets the absence of any such records as evidence of a dismissal or *nolle prosequi* unrelated to successful completion of the Pre-Trial Intervention Program, Traffic Education Program, Alcohol Education Program, or any other statutorily authorized diversion program operated by a solicitor's office. The date entered below by the Circuit Solicitor will be treated as the dismissal and/or discharge date for the charge for expungement purposes.

☐ Declines to consent.

☐ Determined ineligible for expungement.

Circuit Solicitor

Printed/Typed Name

Date

IT IS SO ORDERED.

Circuit Court Judge

Judge Code

Date

For SLED internal use only:

Expunged by SLED by: _____

Date: _____