

## **Rule 40: No Expungement Or Sealing The Record During Appeal**

Any person filing to have his/her criminal case expunged or sealed must first pay to the Clerk of Courts all outstanding court costs that have been incurred by the person for whom the case is to be expunged or sealed. Further, a person on probation may not be discharged from probation until all costs have been settled to the satisfaction of Clerk of Courts, or waived by the Court.

A request to have a case record or any part of a case record expunged or sealed. May not be expunged or sealed while the case is on an appeal or when there is an outstanding motion to appeal or set aside the expungement order.

Where an expungement or sealing of the record has been requested by a person and an appeal is filed after the request. The Clerk of Courts is authorized not to proceed with the expungement or sealing of the record until the appeal has been completed.

This rule shall become effective on December 21, 1999, and until further order of the Court.