

IN THE COURT OF COMMON PLEAS OF LYCOMING COUNTY, PENNSYLVANIA

COMMONWEALTH OF PENNSYLVANIA :

: MD-326-2012

v. :

:

:

MN, :

: CRIMINAL DIVISION

Defendant :

:

ORDER

On September 27, 2006, the Defendant was arrested and charged with Retail Theft, a violation of 18 Pa. C.S. § 3929(a)(1). On February 12, 2007, the Defendant pled guilty to Retail Theft. On August 20, 2013, the Defendant filed a Petition for Expungement. On April 11, 2014, Counsel for the Defendant orally amended the Petition.

A hearing was held on April 16, 2014. During the hearing, the Defendant argued that the Petition should be granted pursuant to 18 Pa. C.S. § 9123. The Defendant argued that she would be unable to obtain employment as a flight attendant if her criminal record was not expunged. The Defendant did not show that she was unable to obtain employment as a flight attendant. The Commonwealth objected to the proposed expungement and argued that the Defendant's criminal record should not be expunged pursuant to the "cause shown" exception of 18 Pa. C.S. § 9123(a.1)(2). The Commonwealth argued that a cause to deny expungement was the fact her conviction would be the admissible if she were to ever testify in a court proceeding within ten years from the date of her conviction.

The Court finds that the Commonwealth has established the required cause needed under 18 Pa. C.S. § 9123(a.1)(2). Under Pa. Rule of Evidence 609(a), evidence that a witness has pled guilty to a crime involving dishonesty must be admitted for the purpose of attacking the

witness's credibility. Retail Theft is a crime involving dishonesty. Therefore, evidence of the Defendant's guilty plea to Retail Theft would be admissible if she were to testify. This Court believes that the admissibility of evidence of the Defendant's guilty plea to Retail Theft is sufficient cause for the denial of Defendant's Petition for Expungement.

AND NOW, this _____ day of May, 2014, it is hereby ORDERED and DIRECTED that the Defendant's Petition for Expungement be DENIED.

By the Court,

Nancy L. Butts, President Judge

cc: Kenneth Osokow, Esq.
Trisha Hoover, Esq.