

IN THE COURT OF COMMON PLEAS OF LYCOMING COUNTY, PENNSYLVANIA

COMMONWEALTH : No. CR-98-11,798  
:   
vs. :   
:   
:   
DAVID CAMPBELL, : MOTION FOR EXPUNGMENT  
Defendant :   
:

**OPINION AND ORDER**

Defendant, David Campbell filed a motion for expungement on May 21, 2024 and seeks to have his conviction removed from his criminal record to enable him to hunt in Pennsylvania with his family. Hearing on the motion was held on July 18, 2024. This opinion evaluates his eligibility for expungement under Pennsylvania law.

**Background**

On August 3, 1999, Defendant pled no contest to charges of corruption of minors under 18 Pa.C.S.A. § 6301. The plea was entered as part of an agreement in which the individual accepted responsibility for the actions that led to the charges which involved allowing his daughter to consume alcohol. Following his conviction, he served a sentence of one-year probation. Since that time, he has maintained a law-abiding lifestyle and has not been involved in any criminal activity. Since Defendant has now reached the age of 72, he requests expungement pursuant to 18 Pa.C.S. §9122(b).

**Discussion**

Under 18 Pa.C.S. § 9122, an individual may petition for expungement if:

(1) [he]... reaches 70 years of age and has been free of arrest or prosecution for ten years following final release from confinement or supervision.

18 Pa.C.S. § 9122(b)(1).

In *Commonwealth v. Wexler*, 494 Pa. 325, 431 A.2d 877, 879 (1981) the Pennsylvania Supreme Court set in place the following five factors that the trial court must balance when considering a petition for expungement:

(1) The strength of the Commonwealth's case against the petitioner; (2) the reasons the Commonwealth gives for wishing to retain the records; (3) the petitioner's age, criminal record, and employment history; (4) the length of time that has elapsed between the arrest and the petition to expunge; (5) and the specific adverse consequences the petitioner may endure should expunction be denied.

*Commonwealth v. Wallace*, 626 Pa. 362, 376, 97 A.3d 310, 318 (2014).

The ruling in *Wallace* also underscored the importance of ensuring that expungement does not jeopardize public safety. Wallace was an individual currently in federal custody requesting expungement of criminal charges which the Commonwealth argued were important to retain since he had no period of law-abiding behavior. The trial court must balance the “individual's right to be free from the harm attendant to maintenance of the arrest record against the Commonwealth's interest in preserving such records.” *Wexler*, 431 A.2d 877, 879. If the individual has shown a commitment to lawful conduct and poses no risk to the community, this strengthens the case for expungement.

Defendant qualifies under the age requirement as he was born in August of 1952 and turned 72 this year. Defendant completed his sentence of probation around the year 2000. Defendant has no pending criminal charges against him and has not been convicted of any new criminal offenses since the completion of his sentence. Since the conviction occurred in

1999, over 25 years have elapsed. This significant time frame is favorable and suggests a long period of law-abiding behavior, which is an important consideration for expungement.

Following the conviction, Defendant retired in 2000 after a career in maintenance, indicating stability and responsibility throughout his professional life. There is no evidence of any further criminal conduct, reflecting a commitment to lawful behavior and community standards, consistent with the purposes of expungement.

Finally, the Commonwealth has offered no evidence in opposition to this expungement request. This absence of opposition evidence strengthens the argument in support for granting the expungement, as it indicates no viable concerns regarding public safety or contrary arguments about Defendant's character.

### **Conclusion**

Defendant has met the statutory criteria under 18 Pa.C.S. § 9122(b)(1) to be eligible for expungement of this charge. He has completed his sentence, has no pending charges, and possesses a clean criminal history since his conviction. He has led a productive life after conviction reflecting a commitment to lawful behavior and community standards. The absence of evidence of Defendant's public safety risk to justify denial of the motion supports the Court's conclusion that the charge should be expunged.

IN THE COURT OF COMMON PLEAS OF LYCOMING COUNTY, PENNSYLVANIA

COMMONWEALTH : No. CR-1798-1998  
vs. :  
DAVID CAMPBELL, :  
Defendant :

ORDER

AND NOW, this 16<sup>th</sup> day of October 2024, the Court GRANTS Defendant's Petition for Expungement.

(i) the petitioner's name is **David Charles Campbell**; date of birth **08/07/1952**; social security number [redacted]; and address of 711 East 2<sup>nd</sup> Avenue, South Williamsport, PA 17702.

(ii) the name and address of the judge of the court of common pleas who accepted the guilty plea or heard the case was **Judge Nancy L. Butts**.

(iii) the name and mailing address of the affiant as shown on the complaint, if available: **Cpl. Rexford Lowmiller, South Williamsport Police Department, S. Williamsport, PA 17702.**

(iv) the court of common pleas docket number: **CP-41-CR-0001798-1998**;

(v) the offense tracking number (OTN) – **F 219279-4.**

(vi) the date on the complaint, or the date of arrest, and, if available, the criminal justice agency that made the arrest. **September 29, 1998**

(vii) the specific charges, as they appear on the charging document, to be expunged: **Corruption of Minors**, 18 Pa. C.S. 6301(a), a misdemeanor of the first degree.

(viii) the disposition and, if the sentence includes a fine, costs, or restitution,

whether the amount due has been paid: **guilty plea and amount due has been paid.**

(ix) the reason(s) for expungement: **Defendant is 72 years old and crime-free for more than 10 years.**

(x) the criminal justice agencies upon which certified copies of the order shall be served: **District Attorney; PSP Central Repository; MDJ Whiteman; Police South Williamsport PD; FBI; EJ Rymysz, Esquire.**

In accordance with Pa. R. Crim. P. 790(b)(4), this order shall be stayed for 30 days pending an appeal. If a timely notice of appeal is filed, the expungement order is stayed pending the disposition of the appeal.

By the Court,

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Nancy L. Butts, President Judge

cc: Martin Wade, Esquire/Lindsay Sweeley, Esquire (ADA)  
Edward J. Rymysz, Esquire  
PSP Central Repository  
MDJ Whiteman  
South Williamsport PD  
FBI  
Jerri Rook