THE FAMILY COURT OF THE STATE OF DELAWARE
IN AND FOR NEW CASTLE COUNTY

IN THE MATTER OF:	:	
THE ARREST AND CRIMINAL	:	Pet. #: 0912006822
RECORD OF	:	
D----- G-------	:	
(DOB: --/--/1996)	:	

DISCRETIONARY EXPUNGEMENT OF A JUVENILE RECORD ORDER

Background and Procedural History

Before the Court is a Petition for Discretionary Expungement of a Juvenile Record, filed by D----- G------- ("D-----") pursuant to 10 *Del. C.* § 1018(a)(3). The Court held a hearing on May 19, 2026. D----- was represented by Alanna Farber, Esq., and Abolore Oshodi, Esq., appeared on behalf of the State of Delaware.

On December 19, 2025, D----- filed his petition seeking discretionary expungement of one count of Rape Fourth Degree (found delinquent on 02/16/2010) and one count of Rape Second Degree (nolle prosequi on 02/16/2010). The State timely opposed the expungement, arguing that insufficient time has elapsed based on the nature of the underlying offense and its impact on the victim and the community. Equally, the State argued that D-----'s record should remain intact so that employers may make an informed decision when considering his employability.

At the hearing, the Court only heard testimony from Dr. Allison Dovi, Ph.D. The Court also noted that, in 2015, the Family Court removed D----- from the sex offender registry and relieved him from further reporting requirements. At the conclusion of the hearing, the Court granted D-----'s discretionary expungement based on a preponderance of the evidence, and now provides detailed reasoning as follows.

Dr. Dovi's Testimony

The parties stipulated that Dr. Dovi is an expert in forensic psychology regarding the recidivism risk for individuals who previously committed sexual offenses. Dr. Dovi completed a written report on December 14, 2025, and determined that D----- presented a low risk for re-offense.[1] Based on a comprehensive review, Dr. Dovi determined that D----- has minimal risk factors and strong protective factors, including that he has not engaged in any other criminal activities; he has a supportive family, stable employment, and remains in a long term relationship; he has completed inappropriate sexual behavior treatment; and he was released from supervision early. In addition, he was previously assessed as low risk in both 2010 (at the time of his adjudication) and 2014.

At the time of the incident, D----- was a 13-year-old child who had newly arrived in the United States from Mexico. He was placed with his biological mother and father, but they were unfamiliar to him as he had only seen them a handful of times throughout his childhood and were never before his primary caregivers. Soon after he came to Delaware, he experienced culture shock when he was enrolled in a large public school. He did not speak English and consequently struggled to adjust. As Dr. Dovi noted, D----- experienced normatively appropriate sexual education questions but lacked trusted adults who could answer them in his new setting. Cumulatively, these factors contributed to this offense sixteen years ago.

Dr. Dovi opined that the risk factors that precipitated D-----'s offense are consistent with the research on what creates a greater risk to offend. Equally significant, various peer reviewed studies have found that fewer than 3% of children who commit sex offenses recidivate.[2] After ten years without re-offense, the risk of recidivism falls to approximately that of someone with no prior history of inappropriate sexual behavior.

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[1] Petitioner's Exhibit C, Psychological Evaluation completed by Dr. Allison Dovi, Ph.D., December 14, 2025.

Notwithstanding D-----'s low risk, he still experiences a number of significant challenges and stressors related to his adjudication. For example, Dr. Dovi pointed to D-----'s concerns when applying for jobs if an employer learns of his criminal history. Additionally, D----- runs his own dry wall business. He is not interested in working in childcare or education, but he worries that his adjudication from almost seventeen years ago will derail his business plans. Dr. Dovi diagnosed D----- with mild anxiety because of such stressors, and she further opined that expunging D-----'s record will reduce his symptoms and enhance his protective factors, employment opportunities, and social engagements.

Manifest Injustice

In considering a petition for discretionary expungement under 10 *Del. C.* § 1018(a)(3), the Court is tasked with finding whether the "continued existence and possible dissemination of information relating to the arrest of the petitioner causes, or may cause, circumstances which constitute a manifest injustice to the petitioner."[3] If manifest injustice exists, the Court "shall enter an order requiring the expungement of the police and court records and all other indicia of arrest, including any electronic records, relating to the charge or case."[4]

Although "manifest injustice" is not defined in the statute, this Court noted in *C.M. v. State* that the General Assembly intended "to treat juveniles and juvenile arrest records in a relatively lenient manner for expungement purposes."[5] The statute requires the Court to recognize a rebuttable presumption that a juvenile record causes a manifest injustice.[6] While an expungement petitioner must nevertheless plead and prove facts showing manifest injustice,[7]

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[2] *Id.*; *see also*, *e.g.*, *State v. N.T.*, No. 1208019062, 2014 WL 2807550, at *6 (Del. Fam. Ct. Jan. 30, 2014); Michael F. Caldwell, *Quantifying the Decline in Juvenile Sexual Recidivism Rates*, 22 Psychol. Pub. Pol'y & L. 414, 419 (2016).
[3] 10 *Del. C.* § 1018(d).
[4] *Id.*
[5] No. 13–04698, 2013 WL 6174800, at *1 (Del. Fam. Ct. May 14, 2013).
[6] 10 *Del. C.* § 1018(d).
[7] *Id.*

"the bar for proving manifest injustice is not high."[8] The Superior Court and Family Court have recognized a broad swath of collateral consequences that can constitute manifest injustice, including limits on employment,[9] unwarranted investigations causing embarrassment,[10] education barriers,[11] and difficulties in securing housing.[12]

Here, D----- has alleged and proved specific facts supporting his case for manifest injustice. In addition to the employment concerns highlighted by Dr. Dovi, D----- raised significant collateral consequences to having a juvenile record. While he was in school, he was mercilessly bullied over his adjudication. Miraculously, D----- managed to graduate from high school despite such adversity, and he later started his own drywall company. He currently lives in a mobile home park with his wife and wishes to move to a permanent house in a neighborhood, but he fears that his adjudication will become public. Additionally, he is worried about starting a family because his ability to participate in future school and community activities could be hampered by his record. Perhaps most significant and timely, D----- will be required to renew his green card in 2027. Each time he has applied for his green card, his juvenile adjudication has become an issue for his immigration status, causing him stress, embarrassment, and concern for renewal or a future application for citizenship.

Conclusion

The Court finds these collateral consequences, stemming from an adjudication when he was 13 years old, have limited D-----'s life for far too long. He has therefore proven by a preponderance of the evidence that his record poses a manifest injustice. For those reasons, the Court **GRANTED** his discretionary expungement.

IT IS SO ORDERED.

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[8] *Webster v. State*, No. K16X-06-002, 2016 WL 5939166, at *1 (Del. Super. Ct. Sept. 2, 2016).
[9] *Sackett v. State*, No. 97X-10-003, 1998 WL 281057, at *1 (Del. Super. Ct. May 7, 1998).
[10] *Moss v. State*, No. 95X-08-005, 1996 WL 110200, at *2 (Del. Super. Ct. Feb. 15, 1996).
[11] *E.A.L. v. State*, 2019 WL 168772, at *1 (Del. Fam. Ct. Jan. 19, 2019).
[12] *E.R. v. State*, 2017 WL 5196033, at *3 (Del. Fam. Ct. Nov. 3, 2017).

/ Eliza M. Hirst /
ELIZA M. HIRST, JUDGE