

STATE OF NORTH CAROLINA

File No.

_____ County

In The General Court Of Justice

District Superior Court Division

STATE VERSUS

Name And Address Of Defendant/Petitioner (Type Or Print)

PETITION AND ORDER OF EXPUNCTION UNDER G.S. 15A-145 AND G.S. 15A-146

G.S. 15A-145, -146

Drivers License No. State Race Sex DOB Social Security No. Age At Time Of Offense

Name And Address Of Arresting Agency

Name And Address Of Defendant's Attorney

File Nos.	Date Of Arrest	Offense Description	Date Of Offense	Disposition	Date Of Disposition/ Conviction

PETITION/MOTION TO EXPUNGE

- I hereby move for an expungement pursuant to G.S. 15A-145 and certify as follows:
- I was charged with a misdemeanor(s), other than a traffic violation, the file number(s) of which is/are set out above.
 - The charge(s) listed above resulted in a conviction and at the time the offense was committed, I was under the age of 18 (or under the age of 21 if the charge is misdemeanor possession of alcohol in violation of G.S. 18B-302(b)(1)).
 - I have not previously been convicted of any felony or misdemeanor, other than a traffic violation.
 - Those affidavits and statements required by G.S. 15A-145 are incorporated and are attached.
 - I have no outstanding restitution orders, or civil judgments representing amounts ordered for restitution, against me.
 - I have served a copy of this form on the District Attorney.

7. There is a civil revocation record that resulted from the offense(s) I am seeking to expunge.

Service of this petition is accepted by the District Attorney pursuant to statute. **(Applies only to G.S. 15A-145.)**

Date Signature Of District Attorney

- I hereby move for an expungement pursuant to G.S. 15A-146 and certify as follows:
- I was charged with a misdemeanor(s) or felony(ies) (or an infraction under G.S. 18B-302(i) prior to December 1, 1999), the file number(s) of which is/are set out above.
 - The charge(s) listed above was/were disposed of by a dismissal, finding of not guilty or finding of not responsible.
 - I have not previously been convicted of a felony.
 - I have not previously received an expungement under G.S. 15A-145, G.S. 15A-146, G.S. 90-96, or G.S. 90-113.14.

5. There is a civil revocation record that resulted from the offense(s) I am seeking to expunge.

- I certify that an application under the statute identified above and all affidavits required under that statute have been filed in this case and that the information set forth above is a complete and accurate statement of the information on file in the office of the Clerk of Superior Court.

Date Signature Attorney Defendant

REQUEST BY JUDGE

To The State Bureau Of Investigation, P.O. Box 29500, Raleigh, NC 27626:

Please prepare, certify on the reverse side, and attach to this Request any Criminal History Record Information for the petitioner. Then forward this Request with Criminal History Record Information attached, confidentially to: Records Officer, Administrative Office of the Courts.

To The Records Officer, Administrative Office of the Courts, P.O. Box 2448, Raleigh, NC 27602:

Please complete the report on the reverse side and return it, along with the information attached to this Request by the SBI, to the Clerk of Superior Court.

Date Name Of Presiding Judge (Type Or Print) Signature Of Presiding Judge

CRIMINAL HISTORY RECORD INFORMATION

To Any Presiding Judge In The Above Named County And Court: (Confidential)

I have conducted a search of the criminal records of the North Carolina State Bureau of Investigation and the Federal Bureau of Investigation, based on the information provided by you, which has not been verified by fingerprint comparisons, and certify that

- there is no criminal record for the defendant identified on the reverse of this form.
- the Criminal History Record Information which is attached is a true and accurate statement of all information contained in the criminal records of the State and Federal Bureaus of Investigation for the defendant identified on the reverse side of this form.

Date	SID No.	Signature Of SBI Official
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REPORT BY ADMINISTRATIVE OFFICE OF THE COURTS

To Any Presiding Judge In The Above Named County And Court: (Confidential)

I have searched the confidential file which contains the names of all persons granted an expunction or dismissal and discharge in North Carolina and certify that

- there is no record under the name of the defendant of any expunction under any statute of North Carolina.
- there is a record under the name of the defendant identified on the reverse side and it is attached to this form.

Date	Signature Of Records Officer
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FINDINGS OF FACT

After a hearing on the petition/motion the Court makes the following findings of fact:

1. Petitioner was charged with those offenses indicated on Side One.
2. Said charges were disposed of as indicated in the Petition on Side One.
3. The above referenced charges are related in that they all arose out of the same occurrence or transaction or they were joined for trial and judgment.
4. The above referenced charges occurred within the same 12-month period of time or the charges were dismissed or findings made at the same term of court. **(Applies only to G.S. 15A-146.)**
5. Petitioner is seeking an expungement under G.S. 15A-145.
 - The district attorney has been served with a copy of this petition at least ten (10) days prior to this date, has received notice of the hearing and has no objection. _____ (Prosecutor's Initials)
 - Petitioner has not previously been convicted of any felony or misdemeanor offense other than a traffic violation.
 - Petitioner was not convicted of any felony or misdemeanor during the first two years following the date of disposition indicated on Side One.
 - Petitioner provided affidavits as required by G.S. 15A-145.
 - Petitioner has no outstanding restitution orders or civil judgments representing amounts ordered for restitution entered against him/her.
6. Petitioner is seeking an expungement under G.S. 15A-146.
 - Petitioner has not previously been convicted of a felony.
 - Petitioner has not previously received an expungement under G.S. 15A-145, G.S. 15A-146, G.S. 90-96 or G.S. 90-113.14.
7. Other: _____
8. Petitioner is is not eligible for an expungement under G.S. 15A-145. G.S. 15A-146.
If not eligible, it is because: _____

ORDER

Therefore, the Court hereby ORDERS:

- 1. The petition is granted and it is ordered that all entries relating to the defendant/petitioner's apprehension, charge or trial shall be expunged from the records of the court, and all law-enforcement agencies bearing record of the same. It is further ordered that the clerk is to forward a certified copy of this order to the AOC, sheriff, chief of police or other arresting agency.
- 2. The petition is denied.
- 3. It is also ordered that all entries relating to the civil revocation that resulted from the expunged offense(s) be expunged from the records of the court, and all law enforcement agencies, including the NC Division of Motor Vehicles, bearing record of the same, and the clerk shall forward a certified copy of this order to the Division of Motor Vehicles.

Date	Name Of Presiding Judge (Type Or Print)	Signature
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CERTIFICATION BY CLERK

I certify that this Order is a true and complete copy of the original in this case and it is being forwarded in compliance with the Order.

Date	Signature
Name (Type Or Print)	<input type="checkbox"/> Deputy CSC <input type="checkbox"/> Assistant CSC <input type="checkbox"/> Clerk Of Superior Court

NOTE TO DEFENDANT/PETITIONER: The expungement of your case information from the court's records does not guarantee your case information will be expunged from other sources. Private companies routinely acquire copies of criminal records to sell. Once the record is removed from the court system it may still be available for sale by the private companies. When this happens neither the Court nor the AOC can require the companies to stop selling the information. One course of action you might take is to send the company a certified record check from the clerk's office showing you have no record. Then request the company correct the inaccurate record in its database.