

# STATE OF NORTH CAROLINA

File No.

Scan No.(s) (Official Use Only)

County

In The General Court Of Justice

NOTE: This petition requires the payment of a filing fee unless the petitioner is an indigent.

District  Superior Court Division

## STATE VERSUS

## PETITION AND ORDER OF EXPUNCTION UNDER G.S. 15A-145.2 (DRUGS/DRUG PARAPHERNALIA)

G.S. 15A-145.2, 15A-150

Name And Address Of Petitioner (type or print full name)

Name And Address Of Petitioner's Attorney For Expunction Petition

Drivers License No.

State

Race

Sex

Date Of Birth

Full Social Security No.

Age At Time Of Offense

**NOTE TO PETITIONER:** List the arresting agency and any State or local government agency that has a record of your case. You **must** provide complete information for each agency. The clerk of superior court will send a copy of this order, if granted, to the agency name(s) and address(es) provided below. The clerk will **not** provide addresses for you. Do not list the courts, the State Bureau of Investigation, the Department of Adult Correction, or the Division of Motor Vehicles; if the order is granted, those agencies will be notified automatically. Do not list any private entity, like a company that provides criminal background checks. The clerk will not send a copy of this order to any entity that is not an agency of the State of North Carolina or one of its local governments. A private entity required to expunge records will be notified directly by the State or local agencies that distribute criminal justice information to that entity.

Name And Address Of Arresting Agency

Name And Address Of Other Agency (if any)

Name And Address Of Other Agency (if any)

Check here to indicate that additional agencies and/or additional file nos. and offenses are listed on an AOC-CR-285 form that is attached to this petition. (attach form)

File No.(s)	Date Of Arrest	Offense Description	Date Of Offense	Disposition	Date Of Disposition/Conviction

## PETITION TO EXPUNGE

I hereby petition for an expunction pursuant to G.S. 15A-145.2(a) and certify as follows: (1) I was charged in the county named above, I have been discharged and the charge has been dismissed under G.S. 90-96(a) or (a1). (2) I was not over 21 years of age at the time of the offense(s) listed above. (3) I have attached to this petition the affidavits required by G.S. 15A-145.2(a).

I hereby petition for an expunction pursuant to G.S. 15A-145.2(b) and certify as follows:

- I was charged with (i) the misdemeanor shown above under Article 5 of Chapter 90 of the General Statutes by possessing a controlled substance or (ii) the felony shown above under G.S. 90-95(a)(3) by possessing (check only one)  (for dispositions before Jan. 1, 2012) less than 1 gram of cocaine.  (for dispositions on or after Jan. 1, 2012) a controlled substance.

(NOTE: For expunction of dismissed/acquitted charges of possession of drug paraphernalia under G.S. 90-113.22, use form AOC-CR-268.)

- The State dismissed the charge or entered a nolle prosequi, or I was found not guilty or otherwise adjudicated innocent.
- I was not over 21 years of age at the time the offense for which I was charged occurred.

I hereby petition for an expunction pursuant to G.S. 15A-145.2(c) and certify as follows:

- I pled guilty to or was found guilty of (i) the misdemeanor shown above under Article 5 of Chapter 90 of the General Statutes by possessing a controlled substance or under G.S. 90-113.22 by possessing drug paraphernalia or (ii) the felony shown above under G.S. 90-95(a)(3) by possessing (check only one)  (for convictions before Jan. 1, 2012) less than 1 gram of cocaine.  (for convictions on or after Jan. 1, 2012) a controlled substance.
- At least twelve months have passed since the date of conviction.
- I have not received a previous expunction under G.S. 15A-145.2(c).
- I was not over 21 years of age at the time of the offense(s) listed above.
- I have been of good behavior since my conviction.
- I  have successfully completed an approved drug education program.  request the Court waive such program (attach explanation).
- I have not been convicted of a felony or misdemeanor other than a traffic violation under the laws of this State at any time prior to or since the conviction for the offense in question, nor of any offense under any statute of the United States or any state relating to controlled substances included in any schedule (or in Article 5, if my conviction was before January 1, 2012), or drug paraphernalia included in Article 5B, of Chapter 90 of the General Statutes.  (required for convictions on or after Jan. 1, 2012) nor of any felony offense under any state or federal laws.

I certify that this petition 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. For any petition under subsection (a) or (c), I hereby request and authorize a name-based State and national criminal record check by the NC Department of Public Safety and a search of the confidential record of expunctions maintained by the NC Administrative Office of the Courts.

Date \_\_\_\_\_ Name (type or print) \_\_\_\_\_ Signature \_\_\_\_\_  
 Petitioner  
 Petitioner's Attorney

## REQUEST BY JUDGE

**NOTE TO JUDGE AND CLERK:** For a petition under G.S. 15A-145.2(b), do not complete this section. Such petitions do not require an SBI record check or a search of the NCAOC's file of prior expunctions and should be scheduled for hearing and disposition upon filing of the petition and payment of the fee required by G.S. 15A-145.2(d).

To The State Bureau Of Investigation, Attn: CIIS Expungement Unit, PO Box 29500, Raleigh, NC 27626:

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

To The Records Officer, Administrative Office Of The Courts, PO Box 2448, Raleigh, NC 27602:

Complete the report on the reverse side and return it, along with the information attached by the SBI, to the clerk of superior court.

Date \_\_\_\_\_ Name Of Presiding Judge (type or print) \_\_\_\_\_ Signature Of Presiding Judge \_\_\_\_\_

(Over)

**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, which has not been verified by fingerprint comparisons, and certify that

- there is no criminal record for the petitioner other than the offense(s) 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 petitioner identified on the reverse side of this form.

Date SID No. Name Of SBI Official (type or print) Signature Of SBI Official

**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 containing the names of all persons granted an expunction in North Carolina and certify that

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

Date Name Of Records Officer (type or print) Signature Of Records Officer
Courtney Bailey

**FINDINGS OF FACT**

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

- 1. The petitioner is seeking an expunction under G.S. 15A-145.2(a) and
The petitioner has been dismissed and discharged under G.S. 90-96(a) or (a1).
The petitioner was not over 21 years of age at the time of the offense(s) listed above.
The petitioner attached to this petition the affidavits required by G.S. 15A-145.2(a).
2. The petitioner is seeking an expunction under G.S. 15A-145.2(b) and
The petitioner was charged with the misdemeanor or felony listed above.
The State dismissed the charge or entered a nolle prosequi, or the petitioner was found not guilty or otherwise adjudicated innocent.
The petitioner was not over 21 years of age at the time the offense with which the petitioner was charged occurred.
3. The petitioner is seeking an expunction under G.S. 15A-145.2(c) and
The petitioner pled guilty to or was found guilty of the charge(s) shown above.
At least twelve months have passed since the date of conviction.
The petitioner has not received a previous expunction under G.S. 15A-145.2(c).
The petitioner was not over 21 years of age at the time of the offense(s) listed above.
The petitioner has been of good behavior since the petitioner's conviction.
The petitioner has successfully completed an approved drug education program.
need not complete a drug education program (attach explanation).
The petitioner has not been convicted of a felony or misdemeanor other than a traffic violation under the laws of this State at any time prior to or since the conviction for the offense in question, nor of any offense under any statute of the United States or any state relating to controlled substances included in any schedule (of Article 5, if the conviction was before January 1, 2012), or to drug paraphernalia included in Article 5B, of Chapter 90 of the General Statutes. (required if conviction was on or after Jan. 1, 2012) nor of any felony offense under any state or federal laws.
4. The petitioner is is not eligible for an expunction under any of the statutes on Side One. If not eligible, it is because:

**ORDER**

Therefore, the Court hereby ORDERS:

- 1. The petition is granted. It is ordered that any and all entries relating to the petitioner's arrest, indictment or information, trial, or conviction shall be expunged from the records of the court. All law enforcement agencies, the Department of Adult Correction, the Division of Motor Vehicles, and any other State or local government agency identified on Side One and on any AOC-CR-285 form that is attached to this petition shall expunge from all official records any entries relating to the proceeding. The Division of Motor Vehicles shall not expunge records for which expunction is otherwise prohibited by G.S. 15A-151.
2. For the reason(s) identified in Finding No. 4, the petition is denied.

NOTE TO CLERK: If denied, file this Order in the case file. Upon expiration of the deadline for appeal from a denial of this Order, destroy any documentation provided with the petition, such as a criminal history report and any NCAOC report of prior expunctions. If granted, send a certified copy of this Order to the petitioner at the address listed on Side One or an updated address as provided by the petitioner.

Date Name Of Presiding Judge (type or print) Signature Of Presiding Judge

**CERTIFICATION BY CLERK**

I hereby certify that this form is a true and complete copy of the original in this case, and if granted, a certified copy of this Order was sent on the date shown below to the petitioner, the State Bureau of Investigation, the Department of Adult Correction, the Division of Motor Vehicles, and to the arresting agency and any other State or local government agency identified on Side One and on any attachment to this petition.

Date Name (type or print) Signature Of Clerk Dep. CSC Asst. CSC Clerk Of Superior Court SEAL

NOTE TO CLERK: If granted, always send a certified copy of this Order under seal to the petitioner, to all the agencies listed in Certification By Clerk above, and to the NCAOC. Send copies for the arresting agency and additional agencies to the addresses provided by the petitioner. Send SBI, DAC, DMV, and NCAOC copies to:

State Bureau of Investigation NC Department of Adult Correction NC Division of Motor Vehicles, Driver and NC Administrative Office of the Courts
Attn: Expunction Unit Attn: Combined Records Section Vehicle Services, Driver Assistance Branch Attn: Records Officer
PO Box 29500 4226 Mail Service Center Attn: Hearings/Adjudication Unit PO Box 2448
Raleigh, NC 27626 Raleigh, NC 27699-4226 3118 Mail Service Center Raleigh, NC 27602
Raleigh, NC 27699-3118

NOTE TO PETITIONER: If this petition is granted, the clerk of superior court will send you a certified copy of the final order for your records at the address listed on Side One. If you move, you must notify the clerk in writing of your change of address in order to receive a certified copy. After the case is expunged, the clerk of superior court will have no record of the case and will be unable to provide you with any documentation of the case. This includes the expunction order; it will be destroyed with the case file.