

# STATE OF NORTH CAROLINA

File No.

Scan No.(s) (Official Use Only)

\_\_\_\_\_ County

In The General Court Of Justice

District  Superior Court Division

## STATE VERSUS

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

## PETITION AND ORDER OF EXPUNCTION UNDER G.S. 15A-145.5 (NONVIOLENT FELONY OR NONVIOLENT MISDEMEANOR)

G.S. 15A-145.5, -150

Name And Address Of Petitioner's Attorney For Expunction Petition

Drivers License No.

State

Race

Sex

Date Of Birth

Full Social Security No.

**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 Public Safety, 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/MOTION TO EXPUNGE

I hereby move for an expunction pursuant to G.S. 15A-145.5 and certify as follows:

1. In the county named above I pled guilty to or was found guilty of the nonviolent felony(ies) and/or misdemeanor(s) listed above, and further certify that:

- No offense listed above is a Class A1 misdemeanor or more serious than a Class H felony.
- No offense listed above is among the exceptions in G.S. 15A-145.5(a) that are ineligible for expunction.
- This petition is being filed at least ten (10) years after the date(s) of conviction listed above for any nonviolent felony or five (5) years for any nonviolent misdemeanor, or when any active sentence, period of probation, and post-release supervision has been served, whichever occurred later.

2. Other than the conviction(s) listed above, I have not been convicted of any felony or misdemeanor, other than a traffic violation.

3. I have attached to this petition the affidavits required by G.S. 15A-145.5(c).

I certify that this petition and the required affidavits 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. I hereby request and authorize a name-based State and national criminal record check by the NC Department of Public Safety, a search by the Department of Public Safety for any outstanding warrants or pending criminal cases, 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

## CERTIFICATE OF SERVICE

I certify that a copy of this motion was served by:

- delivering a copy personally to the prosecutor.  
 depositing a copy enclosed in a postpaid properly addressed envelope in a post office or official depository under the exclusive care and custody of the U.S. Postal Service, directed to the prosecutor.  
 leaving a copy at the office of the prosecutor with an associate or employee.

Date Served \_\_\_\_\_ Name Of Person With Whom Copy Left (type or print) \_\_\_\_\_ Signature Of Person Serving \_\_\_\_\_

Service accepted by the prosecutor.

Date Service Accepted \_\_\_\_\_ Name Of Person Accepting Service (type or print) \_\_\_\_\_ Signature Of Person Accepting Service \_\_\_\_\_

**NOTE TO CLERK:** Regardless of when the reports are returned by the SBI and NCAOC, as provided on the reverse, the hearing may not be scheduled earlier than 30 days after service of the petition on the prosecutor.

## REQUEST BY JUDGE

**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) and the results of a search for outstanding warrants or other pending criminal cases 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, OUTSTANDING WARRANTS, PENDING CASES**

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, and a search for outstanding warrants or pending criminal cases, based on the information provided, which has not been verified by fingerprint comparisons, and certify that

- there is no criminal record and no record of outstanding warrants or pending criminal cases 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 of 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 Ashley M. Naleimaile

**FINDINGS OF FACT**

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

- 1. Petitioner was convicted of the nonviolent felony(ies) and/or misdemeanor(s) listed and in the file number(s) shown on Side One.
2. Each offense(s) of conviction listed on Side One is eligible for expunction under G.S. 15A-145.5.
3. Petitioner was convicted of, and completed any sentence received for, the offense(s) listed on Side One at least 10 years prior to the filing of this petition for any nonviolent felony and at least 5 years prior for any nonviolent misdemeanor.
4. The petitioner has not been previously granted an expunction under G.S. 15A-145, 15A-145.1, 15A-145.2, 15A-145.3, 15A-145.4, or 15A-145.5.
5. Petitioner has remained of good moral character.
6. Petitioner has no outstanding warrants or pending criminal cases.
7. Other than the conviction(s) listed on Side One, the petitioner has no other felony or misdemeanor convictions other than a traffic violation.
8. Petitioner has no outstanding restitution orders or civil judgments representing amounts ordered for restitution entered against him/her.
9. The Court has reviewed all other information the Court deems relevant to this petition, including, but not limited to, affidavits or other testimony provided by law enforcement officers, district attorneys, and victims of crimes committed by the petitioner.
10. The petitioner is/is not eligible for an expunction of the offense(s) listed on Side One. If not eligible, it is because:

**ORDER**

Therefore, the Court hereby ORDERS:

- 1. The petition is granted. It is ordered that:
a. any and all entries relating to the petitioner's charge or conviction shall be expunged from the records of the court. All law enforcement agencies, the Division of Adult Correction and Juvenile Justice of the Department of Public Safety, 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 any and all records of the petitioner's criminal charge and any conviction resulting from the charge. The Division of Motor Vehicles shall not expunge records for which expunction is otherwise prohibited by G.S. 15A-151.
b. any other State or local government agency shall expunge from its records entries made as a result of the conviction(s) ordered expunged herein upon receipt of a copy of this Order from the petitioner. Any such agency shall also vacate any administrative actions taken against petitioner as a result of the charge or conviction expunged, except that this subsection b. shall not apply to the Department of Public Safety DNA records and samples stored in the State DNA Database and the State DNA Databank.
2. For the reason(s) identified in Finding No. 10, 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 Public Safety, 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, DPS, DMV, and NCAOC copies to:

State Bureau of Investigation NC Department of Public Safety, 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 Court Services
PO Box 29500 4226 Mail Service Center Attn: Hearings/Adjudication Unit Attn: Records Officer
Raleigh, NC 27626 Raleigh, NC 27699-4226 3118 Mail Service Center PO Box 2448
Raleigh, NC 27602

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.