

# STATE OF NORTH CAROLINA

File No.

Scan No.(s) (Official Use Only)

\_\_\_\_\_ County

In The General Court Of Justice

District  Superior Court Division

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

## STATE VERSUS

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

## PETITION AND ORDER OF EXPUNCTION UNDER G.S. 15A-145(a)

(NON-TRAFFIC MISDEMEANOR UNDER AGE 18 OR  
MISDEMEANOR POSSESSION OF ALCOHOL UNDER AGE 21)

G.S. 15A-145(a), 15A-150

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 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)
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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(a) and certify as follows:

- In this court of the county named above I was convicted of (a) misdemeanor(s), other than a traffic violation, the file number(s) of which is/are set out above.
- This petition is being filed (**NOTE:** The petition may be filed only after the later of these two events.)
  - a. at least two years after the date(s) of conviction listed above.
  - b. upon completion on \_\_\_\_\_ (date) of the period of probation imposed upon conviction of the offense(s) listed above.
- At the time the offense was committed, I was under the age of 18 (or under the age of 21 if the offense was 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(a) are incorporated and are attached.
- This petition is filed as a motion in the cause in the case wherein I was convicted.
- 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.
9. 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:	Date Service Accepted	Name Of Person Accepting Service (type or print)	Signature Of Person Accepting Service
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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 and a search of the confidential record of expunctions maintained by the NC Administrative Office of the Courts.

Date	Name (type or print)	Signature	<input type="checkbox"/> Petitioner <input type="checkbox"/> Petitioner's Attorney
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## 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) 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
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(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
Ashley M. Naleimaile

**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 all arose out of the same occurrence or transaction or they were joined for trial and judgment.
4. There is a civil revocation record that resulted from the offense(s) the petitioner is seeking to expunge.
5. 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.
6. Petitioner has not previously been convicted of any felony or misdemeanor offense other than a traffic violation.
7. Petitioner was not convicted of any felony or misdemeanor during the first two years following the date of disposition indicated on Side One.
8. Petitioner provided affidavits as required by G.S. 15A-145(a).
9. Petitioner has no outstanding restitution orders or civil judgments representing amounts ordered for restitution entered against him/her.
10. 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 any and all entries relating to the petitioner's apprehension, charge, trial, or conviction and any civil revocation of his/her drivers license resulting from the criminal charge 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 from all official records any entries relating to the person's charge, conviction, if any, and any civil revocation of his/her drivers license resulting from the criminal charge. No agency shall expunge a record of a civil revocation entered pursuant to G.S. 20-16.2, no agency shall expunge a record of a civil revocation prior to the final disposition of any pending civil or criminal charge based upon the civil revocation, and 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. 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.