

# 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

## PETITION AND ORDER OF EXPUNCTION UNDER G.S. 15A-145.9 (OFFENSES COMMITTED BY HUMAN TRAFFICKING VICTIMS)

G.S. 15A-145.9, 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 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 petition for an expunction pursuant to G.S. 15A-145.9 and certify as follows:

- In the county named above I was convicted of the offense listed above and this offense is a "nonviolent offense" as that term is defined in G.S. 15A-145.9(a)(1).
- I am a "trafficking victim" as that term is defined in G.S. 15A-145.9(a)(2).
- I was coerced or deceived into committing the offense as a direct result of having been a trafficking victim.
- I pled guilty to or was found guilty of the offense listed above.
- This petition is filed as a motion in the cause in the case in question.
- No restitution orders or civil judgments representing amounts ordered for restitution against me are outstanding.
- I have attached to this petition all affidavits required by G.S. 15A-145.9. (**NOTE: The recitals above are not a substitute for these affidavits.**)

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 search by the Department of Public Safety for any outstanding warrants.

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

## CERTIFICATE OF SERVICE

I certify that a copy of this petition 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 the results of a search for outstanding warrants for the petitioner, then forward this Request, 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

**OUTSTANDING WARRANTS**

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

I have conducted a search for outstanding warrants, based on the information provided, which has not been verified by fingerprint comparisons, and certify that

- there is no record of outstanding warrants for the petitioner.
the information which is attached is a true and accurate statement of outstanding warrants 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 not searched the NCAOC's confidential expunction file because a prior expunction search is not required for an expunction under G.S. 15A-145.9.

Date Name Of Records Officer (type or print) Signature Of Records Officer
Ashley M. Naleimaile

**FINDINGS OF FACT**

NOTE TO COURT: G.S. 15A-145.9(e) provides that the Court may take the following steps in ruling upon the petition: (1) Call upon a probation officer for additional investigation or verification of the petitioner's conduct during the period since the date of petitioner's conviction of the offense in question; and (2) Review any other information the court deems relevant, including, but not limited to, affidavits or other testimony provided by law enforcement officers, district attorneys, or licensed social workers.

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

- 1. Petitioner was convicted in this county of the offense listed on Side One, and
a. this offense is a "nonviolent offense" as that term is defined in G.S. 15A-145.9(a)(1).
b. the petitioner is a "trafficking victim" as that term is defined in G.S. 15A-145.9(a)(2).
c. the petitioner was coerced or deceived into committing the offense as a direct result of having been a trafficking victim.
2. The Court has received additional investigation of the offense in question as the Court deems necessary, and has reviewed other information relevant to the petition, including affidavits or testimony of other interested parties.
3. Petitioner has no outstanding warrants.
4. Petitioner has no outstanding restitution orders or civil judgments representing amounts ordered for restitution entered against him/her.
5. 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. 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. 5, 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 information on outstanding warrants. 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 Attn: Expunction Unit PO Box 29500 Raleigh, NC 27626
NC Department of Public Safety, Attn: Combined Records Section 4226 Mail Service Center Raleigh, NC 27699-4226
NC Division of Motor Vehicles, Driver and Vehicle Services, Driver Assistance Branch Attn: Hearings/Adjudication Unit 3118 Mail Service Center Raleigh, NC 27699-3118
NC Administrative Office of the Courts Court Services Attn: Records Officer 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.