

STATE OF NORTH CAROLINA

File No.

Scan No.(s) (Official Use Only)

County

NOTE: This petition, which is filed by the district attorney, does **not** require the payment of a filing fee.

In The General Court Of Justice
 District Superior Court Division

STATE VERSUS

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

**DISTRICT ATTORNEY PETITION
AND ORDER OF EXPUNCTION
UNDER G.S. 15A-146(a) OR G.S. 15A-146(a1)
(CHARGE(S) DISMISSED)**

Drivers License No.

State

Race

Sex

Date Of Birth

Full Social Security No.

Age At Time Of Offense

G.S. 15A-146, 15A-150

NOTE TO DISTRICT ATTORNEY: List the arresting agency and any State or local government agency that has a record of the defendant's 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. 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	Date Of Dismissal

PETITION TO EXPUNGE

I hereby petition for an expunction pursuant to G.S. 15A-146(a) or (a1) and certify as follows:

- In this court of the county named above, the defendant 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.
- (if you are petitioning to expunge multiple dismissals under G.S. 15A-146(a1), check one of the following)
 a. The defendant was charged with multiple offenses, and all of the charges were dismissed. I therefore am requesting the expunction of all the charges.
 b. The defendant was charged with multiple offenses, and while the charges listed above were dismissed, the following charges resulted in a conviction on the day of the dismissal or had not yet reached final disposition: _____

(insert file no.(s) and offense description(s) of charges that were not dismissed). I therefore am requesting the expunction only of the dismissed charges listed above, and not all of the charges.

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

I certify that this petition has 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

District Attorney Name (type or print)

Signature

(Over)

FINDINGS OF FACT

The Court makes the following findings of fact:

- 1. The defendant was charged with those offenses indicated in the table on Side One.
2. Said charges were disposed of by a dismissal.
3. (if the defendant was charged with multiple offenses, check one of the following)
a. The defendant was charged with multiple offenses, and all of the charges were dismissed.
b. The defendant was charged with multiple offenses, and while the charges listed in the table on Side One were dismissed, there were additional charges that resulted in a conviction on the day of the dismissal or had not yet reached final disposition.

NOTE TO COURT: "If a person is charged with multiple offenses and any charges are dismissed, then that person or the district attorney may petition to have each of the dismissed charges expunged. If the court finds that all of the charges were dismissed, the court shall order the expunction. If the court finds that any charge resulted in a conviction on the day of the dismissal or had not yet reached final disposition, the court may order the expunction of any charge that was dismissed." G.S. 15A-146(a1).

- 4. There is a civil revocation record that resulted from the offense(s) the petitioner is seeking to expunge.
5. Expunction of the dismissed offense(s) listed on Side One should should not be granted. If not, 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 defendant's apprehension, charge, trial, or conviction and any civil revocation of his/her drivers license resulting from the dismissed 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 dismissed 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. 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 a criminal history report. If granted, send a certified copy of this Order to the defendant at the address listed on Side One or an updated address as provided by the petitioner.

Table with 3 columns: 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 defendant, 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.

Table with 3 columns: Date, Name (type or print), Signature Of Clerk. Includes checkboxes for Dep. CSC, Asst. CSC, Clerk Of Superior Court and a SEAL label.

NOTE TO CLERK: If granted, always send a certified copy of this Order under seal to the defendant, 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:

Table with 4 columns listing addresses for State Bureau of Investigation, NC Department of Public Safety, NC Division of Motor Vehicles, Driver and Vehicle Services, Driver Assistance Branch, and NC Administrative Office of the Courts.

NOTE TO DISTRICT ATTORNEY: If this petition is granted, the clerk of superior court will send the defendant a certified copy of the final order for his or her records at the address listed on Side One. If the defendant has moved, you must notify the clerk in writing of the defendant's change of address in order for the defendant 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 the defendant with any documentation of the case. This includes the expunction order; it will be destroyed with the case file.