



26th Judicial District

SelfServe Center

EXPUNGEMENT

15A-145.5

Applies to first time offenders who committed a non-violent misdemeanor or felony

(ALL AGES)

DUE TO THE CHANGING NATURE OF THE LAW, the forms and information contained in this packet may become outdated. Therefore, you should review and research statutes and rules of procedure referenced in the instructions to ensure that the forms are accurate and current.

IN NO EVENT will the SelfServe Center staff, Clerk of Court or anyone contributing to the production of these forms, instructions, or guidelines be liable for any indirect or consequential damages resulting from the use of the forms or information provided to you by the Self Serve Center.

IF THERE ARE ANY QUESTIONS in your mind concerning these forms, the use of these forms, or your legal rights, it is strongly recommended that you consult with or retain an attorney.

The Filing Fee For This Action: _____

INTRODUCTION

What is this?

This packet of information is provided for individuals who wish to pursue a case without the assistance of an attorney. This is called a *pro se* or self represented case. If you are not sure that you want or need to go to court, please ask the Self Serve Center staff to direct you to a lawyer referral service or list of local attorneys willing to provide “unbundled services” (*representation for a limited portion of a case at an hourly rate*).

How will it help me?

If you do not plan to use an attorney, this packet will start the process for you by providing certain forms you will need. Since you are representing yourself, it is YOUR responsibility to ensure that these are the correct forms for the nature of your case. Therefore, you should review and research *applicable laws* and *rules of procedure* that apply to your type of case. If you are not able to do this, you should talk with an attorney. If at any point during the process you become confused or wish to proceed with the help of an attorney, contact the Mecklenburg County Bar Lawyer Referral Service at (704) 375-0120 or the North Carolina Bar Lawyer Referral Service at (800) 662-7660.

What does this mean?

Certain legal terms will be used throughout your case. A complete legal glossary is available for your convenience in the SelfServe Center. If you still do not understand the term, consult a legal dictionary or the SelfServe Center staff. Staff CANNOT provide legal advice, but can provide procedural information and definitions of legal terms.

IMPORTANT REMINDERS BEFORE YOU BEGIN

Your case involves complicated legal issues! This packet describes the general process, but it is impossible to cover everything that may affect your rights. If you get confused during the process, you should stop and seek advice from an attorney. The staff of the SelfServe Center, Clerk of Court, Judge, or the Trial Court Administrator's Office CANNOT GIVE YOU LEGAL ADVICE! PLEASE...if you are thinking of contacting an attorney, do so as soon as possible.

Print clearly and legibly, using only black ink. If you wish to submit a typed petition, the form is available electronically on the AOC's website at www.nccourts.org/Forms/FormSearch.asp. In the "Form Number" field, enter the number of the petition, AOC-CR-281. Searching by the form number will provide you with a link to a fillable PDF version of the form. It is the responsibility of the petitioner to determine when the AOC-CR-281 has been returned and to ask the clerk or DA to schedule the petition for hearing. The petitioner or attorney should complete all offense information on Side One of the form from the court file. Please pay special attention to correctly identifying the arresting agency (ies) and any other State or local agency that has a record of the case. Do not list the courts, the Division 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 the 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.

North Carolina General Statute §15A-145.5

A person may file a petition, in the court where the person was convicted, for expunction of a nonviolent misdemeanor or nonviolent felony conviction from the person's criminal record if the person has no other misdemeanor or felony convictions, other than a traffic violation, and was convicted of a nonviolent misdemeanor or nonviolent felony that is eligible pursuant to subsection (b) of this section. The petition shall not be filed earlier than 5 years after the date of conviction for a misdemeanor / 10 years after the date of conviction for a felony, or when any active sentence, period of probation, and post-release supervision has been served, whichever occurs later.

To Receive an Expungement Under N.C. General Statute §15A-145.5

- You **HAVE NOT** received an expungement prior under G.S. 15A-145, 15A-145.1, 15A-145.2, 15A-145.3, 15A-145.4, or 15A-145.5.
- You must wait 5 years from the date of conviction for a misdemeanor and 10 years from the date of conviction for a felony, or until sentence is completed (whichever is later)
- Have not been convicted of any non-traffic violation
- Have had good moral character since the date of your conviction
- No outstanding restitution orders are against you.
- You **MUST HAVE** been convicted of a Class H or Class I felony or misdemeanor.

Documents Needed to Begin Expungement

- An affidavit by the petitioner that they have not been convicted of any felony or misdemeanor other than a traffic violation under the laws of the United States or the laws of this State or any other state during the waiting period, and that they have been of good behavior for the waiting period preceding the filing of the petition.
- Verified affidavits of two persons who are not related to the petitioner or to each other by blood or marriage, that they know the character and reputation of the petitioner in the community in which he lives and that his character and reputation are good.
- A statement that the petition is a motion in the cause in the case wherein the petitioner was convicted.
- An application on a form approved by the Administrative Office of the Courts requesting and authorizing a name-based State and national criminal record check by the Department of Justice using any information required by the Administrative Office of the Courts to identify the individual and a search of the confidential record of expunctions maintained by the Administrative Office of the Courts. The application shall be forwarded to the Department of Justice and to the Administrative Office of the Courts, which shall conduct the searches and report their findings to the court.
- An affidavit by the petitioner that no restitution orders or civil judgments representing amounts ordered for restitution entered against him is outstanding.

Class H Felonies:

- Habitual Misdemeanor Assault. (G.S. 14-33.2)
- Breaking or Entering Buildings (w/felonious intent). (G.S.14-54(a))
- Fraudulently Setting Fire to Dwelling Houses. (G.S. 14-65)
- Possessing Stolen Goods. (G.S. 14-71.1)
- Larceny of Property (worth more than \$1,000). (G.S. 14-72)
- Embezzlement (amount involved less than \$100,000). (G.S. 14-90)
- Obtaining Property by False Pretenses (amount involved less than \$100,000). (G.S. 14-100)
- Intimidating/Interfering with Witnesses. (G.S. 14-226)
- Hit and Run (resulting in injury). (G.S. 20-166(a1))
- Sale of a Schedule III, IV, V, or VI Controlled Substance. (G.S. 90-95(a)(1))
- Possession W/I/M/S/D Cocaine. (G.S. 90-95(a)(1))
- Escaping from State Prison System (felon). (G.S. 148-45(b))
- Continuing Criminal Enterprise. (G.S. 14-7.20)
- Activities Aimed At Overthrow of Government; Use of Public Buildings (Second Offense). (G.S. 14-11)
- Certain Subversive Activities Made Unlawful. (G.S. 14-12.1)
- Domestic Abuse, Neglect, and Exploitation of Disabled or Elder Adults. (G.S. 14.32.3 (a))
- Domestic Abuse, Neglect, and Exploitation of Disabled or Elder Adults. (G.S. 14.32.3 (c))
- Habitual Misdemeanor Assault. (G.S. 14-33.2)
- Using Drugs or Instruments to Destroy Unborn Child. (G.S. 14-44)
- Burning Of Building or Structure In Process Of Construction. (G.S. 14-62.1)
- Burning Of Boats and Barges. (G.S. 14-63)
- Burning of Ginhouses and Tobacco Houses. (G.S. 14-64)
- Fraudulently Setting Fire to Dwelling Houses. (G.S. 14-65)

- Burning Of Personal Property. (G.S. 14-66)
- Burning Other Buildings. (G.S. 14-67.1)
- Making a False Report Concerning Destructive Device. (G.S. 14-69.1)
- Making a False Report Concerning Destructive Device in a Public Building. (G.S. 14-69.1 (c))
- Perpetrating Hoax by Use of False Bomb or Other Device. (G.S. 14-69.2 (a))
- Perpetrating Hoax by Use of False Bomb or Other Device in a Public Building. (G.S. 14-71.1)

Class I Felonies:

- Breaking or Entering Motor Vehicles. (G.S. 14-56)
- Financial Transaction Card Theft. (G.S. 14-113.9)
- Forgery of Notes, Checks, Securities. (G.S. 14-119(a))
- Uttering Forged Paper or Instrument. (G.S. 14-120)
- Possession W/I/M/S/D Marijuana. (G.S. 90-95(a)(1))
- Possess Cocaine. (G.S. 90-95(a)(3))
- Maintaining Dwelling or Motor Vehicle for Keeping or Selling a Controlled Substance. (G.S. 90-108(a)(7), (b))
- Obtain a Controlled Substance by Fraud. (G.S. 90-108(a)(10), (b))
- Assault on a Court Officer. (G.S. 14-16.6)
- Assault on a Firefighter or Specified Medical Personnel. (G.S. 14-34.6 (a) and (b))
- Threats against executive, legislative or court officers. (G.S. 14-16.7)
- Taking Indecent Liberties with a Student by a teacher, School Administrator, Student teacher, School Safety Officer, or Coach (Felony) (G.S. 14-202.4 (a))
- Crimes against Nature. (G.S. 14-177)
- Bigamy. (G.S. 14-183)
- Peeping—Using a Photographic Imaging Device, Installing a Photographic Imaging Device, or Possessing an Image. (G.S. 14-202 (d)-(g))

- Receiving a Wrongfully Obtained Card. (G.S. 14-113.9 (a)(1))
- Wrongful Retention of a Misplaced Card. (G.S. 14-113.9 (a)(2))
- Buying a Card. (G.S. 14-133.9(a)(3))
- Selling a Card. (G.S. 14-113.17 (b))
- Receiving Two Cards Issued to Different Names. (G.S. 14-113.9 (a)(4))
- Obtaining or Receiving Encoded Information. (G.S. 14-113.9(a)(5))
- Being Found in a Building with Intent to Commit any felony or Larceny. (G.S. 14-55)
- Being Found Armed with Intent to Break or Enter. (G.S. 14-55)
- Breaking or Entering into or Breaking out of Railroad cars, Motor Vehicles trailers, Aircraft, Boats, or Other Watercraft. (G.S. 14-56)
- Possessing a Key or Device (second violation). (G.S. 14-56.4(c))
- Breaking into or forcibly opening coin or currency-operated machines (second violation). (G.S. 14-56.1)
- Safecracking. (G.S. 14-89.1)
- Safecracking by Removing a Safe. (G.S. 14-89.1(b))
- Exploitation of a Disabled or Elder Adult Lacking Capacity (Property is valued at less than \$20,000). (G.S. 14-112.2 (c))
- Forgery of Notes, Checks, and other Securities; Counterfeiting Instruments. (G.S. 14-119)
- Possession of Counterfeit Instruments. (G.S. 14-119(a))
- Uttering Forged Paper or Instrument Containing a Forged Endorsement. (G.S. 14-120)
- Forging an Endorsement on Checks and Securities. (G.S. 14-120)
- Forging a Card or Uttering a Forged Card. (G.S. 14-113.11)
- Falsely Encoding a Financial transaction Card. (G.S. 14-113.11(a)(2))
- Signing a Card Fraudulently. (G.S. 14-113.11(a)(3))
- Financial Card Fraud (if value obtained is over \$500 in a six-month period). (G.S. 14-113.13)
- False Representation as a Card Holder (If value of over \$500 is obtained in a six-month period. (G.S. 14-113.13 (a)(2)(a))

- Unauthorized Presentment of card (if value of over \$5000 is obtained. (G.S. 14-113.13 (a)(2)(b)).
- Carrying a Concealed Pistol Gun. (G.S. 14-269 (a1))
- Possession of Firearms. (G.S. 14-269.2(b))
- Obscene Literature and Exhibitions. (G.S. 14-190.1)
- Creating, Buying, Procuring, or Possessing Obscenity with Intent to Distribute. (G.S. 14-190.1)
- Advertising or Promoting Sale of Material as Obscene. (G.S. 14-190.1(f))
- Employing or permitting minor to assist in Offense under Article. (G.S. 14-190.6)
- Disseminating Obscene Material to a Minor under 16. (G.S. 14-190.7)
- Dissemination to Minors under the Age of 13 years. (G.S. 14-190.8)
- Third-Degree Sexual Exploitation of a Minor. (G.S. 14-190.13)
- Abandonment of Child or Children for Six Months. (G.S. 14-322.1)
- Sale/Delivery of a Controlled Substance (For the Delivery of a Schedule III, IV, V, VI substance). (G.S. 90-89)
- Possession of a Controlled Substance. (G.S. 90-95(a)(3))
- Possession of a Controlled Substance with Intent to Manufacture, Sell, or Deliver (For Schedule III, IV, V, VI substance). (G.S. 90-95(a)(2))
- Creating a Counterfeit Controlled Substance. (G.S. 90-95(a)(2))
- Sale/Delivery of a Counterfeit Controlled Substance. (G.S. 90-95(a)(2))
- Failure to Appear (if the violator was released in connection with a felony charge or under (G.S. 15A-536)). (G.S. 15A-543)
- Subornation of Perjury. (G.S. 14-210)
- Burning with Intent to Damage Property. (G.S. 14-136)
- Food Stamp Fraud (If Value is over \$500 is obtained in a Six-Month Period). (G.S. 108A-53)
- Welfare Fraud (If Value is over \$500 is obtained in a Six-Month Period). (G.S. 108A-39)
- Medicaid Card Fraud (If Value is over \$500 is obtained in a Six-Month Period). (G.S. 108A-64(b1))

- Concealment of A Fact Affecting a Recipient's Eligibility (If the value of the assistance wrongfully obtained by the concealment exceeds \$400). (G.S. 108A-64(b))
- Medical Assistance Recipient Fraud (The value of the assistance wrongfully obtained exceeds \$400). (G.S. 108A-64)
- Concealment of A Fact Affecting a Provider's Eligibility. (G.S.108A-63(b))
- Fraudulent Application by a Provider. (G.S. 108A-63)
- Criminal Factoring of Financial Transaction Card Records. (G.S. 14-113.15(a))
- Obtaining a Card as Security for a Debt (If Value is over \$500 is Obtained in a Six-Month Period). (G.S. 14-113.12(a)(3))
- Using a Card to Overdraw an Account (If Value is over \$500 is obtained in a Six-Month Period). (G.S. 14-113.13(a)(2))
- Possession of a Counterfeit Controlled Substance with Intent to Sell or Deliver. (G.S. 90-95(a)(2))
- Felony Passing/Failure to Stop for a School Bus. (G.S. 20-217(a))

BEFORE BEGINNING YOUR PETITION READ
INSTRUCTIONS FIRST

STEP 1

Filling out the documents

*****CHECKLIST*****

Review your forms to make sure you have the necessary documents to complete this expunction:

- **Criminal Background Check** (Obtained through Criminal Clerk's Office)
- **Affidavit of Character** (Self)
- **Affidavit of Character** (2)
- **Affidavit of No Restitution Orders/Civil Judgments/Motion in Cause**
- **Form AOC-CR-281**

Read the information on the Affidavits.

Affidavit of Character (Self) states:

You (The Petitioner) are a resident of Mecklenburg County, you have not been convicted of any felonies or misdemeanors (other than a traffic violation), and you have been of good behavior for the past 5 years after a misdemeanor conviction / 10 years after a felony conviction.

Affidavit of Character (2) states:

You (a person who is not the Petitioner) are a resident of Mecklenburg County and attest that You (The Petitioner) are a person of good character and good reputation in the community.

Note: THESE AFFIDAVITS MUST BE COMPLETED BY TWO PEOPLE WHO ARE NOT RELATED TO YOU

Affidavit of No Restitution Orders/Civil Judgments/Motion in Cause states:

There are no outstanding convictions against you and this motion is where you were convicted.

Note: **ALL AFFIDAVITS** must be signed in the presence of a Notary Public

WARNING: PERJURY IS AGAINST THE LAW

STEP 2

Obtain a Criminal Record Check

Obtain a Criminal Record Check from the Criminal Clerk's Office, Room 2132. There is a charge of \$2.00 per record check payable by Cash, Money Order or Debit / Credit Card. If you live near Charlotte, you are able to come by the Mecklenburg County Courthouse and pay for the Criminal Record Check at the Cashier's Office, Room 1579. With your receipt, go back to the Criminal Clerk's Office, 2132, to obtain your Criminal Record Check.

If you live outside of Charlotte you are able to make your money order or CASHIER'S CHECK PAYABLE to "Clerk of Court". To mail your request, send a money order or cashier's check for \$25.00 and a self-addressed stamped envelope to:

Clerk of Superior Court
Attn: Records
832 East Fourth Street
Charlotte, NC 28202

STEP 3

Completing the AOC-CR-281

You must list a valid Social Security Number and your age on the date of the offense on this form for processing to continue. Please make sure that the correct CR (Criminal Number) is on the form under "File Nos." prior to submitting the Petition for processing. (For example: 08 CR 12345). Be sure to complete all boxes, including: The Name and Address of Arresting Agency, File Nos. , Date of Offense, Date of Arrest, Offense Description, Disposition, and Date of Disposition (outcome of your case in court) or Conviction.

Obtaining District Attorney's Signature

This portion of the form requires you to obtain a District Attorney's signature. You must serve a copy of your petition to the District Attorney's Office. Before serving the District Attorney's Office with your petition, make sure you have your form AOC-CR-281, Affidavits ((Self, Character (2), No Restitution Orders/Civil Judgments/Motion in Cause)), a self-addressed stamped envelope, criminal record check and your phone number on a post-it note.

The District Attorney's Office is located at 700 East Trade Street, #200, charlotte, NC 28202. The building is named Mecklenburg County Courthouse. It will be across the building named

“County and Courts Office Building”. The District Attorney’s Office will be located on the right side of the street.

Once you enter, go straight to the front desk. Let them know you are dropping off your Petition for Expungement.

THIS PROCESS MAY TAKE UP TO SEVERAL WEEKS

Request By Judge

THIS PORTION OF THE FORM IS COMPLETED BY A JUDGE.

After you have received your paperwork by mail from the District Attorney’s Office you must bring the paperwork to the Mecklenburg County Courthouse to obtain a Judge’s signature. Before you can obtain a Judge’s signature, you must pay your filing fee for your petition. Go to the Cashier’s Desk, 832 East Fourth Street, on the first floor in Room 1579. Specify which Expunction you are filing for and the amount of your filing fee. Once you receive your receipt attach it to your paperwork.

To obtain the Judge’s signature, take the form, along with your criminal record, affidavits, and receipt, to the Criminal Clerk’s Office, 832 East Fourth Street, Charlotte, NC 28202 on the second floor to Room 2115, then enter Room 2114. After you enter Room 2114 take the paperwork to the clerk at the counter.

AFTER YOU HAVE SUBMITTED YOUR PAPERWORK

Your packet of information will be given to the State Bureau of Investigations (SBI) then it will be sent to the Administrative Office of the Courts (AOC) in Raleigh for processing.

THIS PROCESS MAY TAKE SEVERAL MONTHS FOR COMPLETION BY THE STATE BUREAU OF INVESTIGATION

The paperwork will be returned to the Criminal Clerk’s Office in a sealed envelope. And then will be sent back to the judge who signed your petition.

Certification By Clerk

THIS PORTION OF THE FORM IS COMPLETED BY A CLERK

Once your paperwork is completed, a letter along with one copy of the order of expunction will be sent to the address on the form AOC-CR-281. The clerk will complete the “Certification By Clerk” on each copy and send copies to the Division of Adult Correction, the Division of Motor Vehicles, to the arresting agency and any other State or local government agency identified on the petition, and to the AOC. **NOTE:** After the expunction

order has been processed by the court system, the certified copy of the order you receive in the mail will be the only copy of the order itself.

***NOTE: After filing your original order with the Criminal Clerk's office, it will take an additional three (3) to four (4) weeks for further agencies (State Bureau of Investigation, DMV, etc.) to remove the charges from their records.**

STATE OF NORTH CAROLINA

File No.

Scan No.(s) (Official Use Only)

County

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

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)

Table with 6 columns: 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:
a. No offense listed above is a Class A1 misdemeanor or more serious than a Class H felony.
b. No offense listed above is among the exceptions in G.S. 15A-145.5(a) that are ineligible for expunction.
c. 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

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
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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) Ashley M. Naleimaile	Signature Of Records Officer
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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
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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	<input type="checkbox"/> Dep. CSC <input type="checkbox"/> Asst. CSC <input type="checkbox"/> Clerk Of Superior Court	SEAL
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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
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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.*

**INSTRUCTIONS FOR PETITION AND ORDER OF EXPUNCTION UNDER G.S. 15A-145.5
(NONVIOLENT FELONY OR NONVIOLENT MISDEMEANOR)
FORM AOC-CR-281, Rev. 7/19**

The procedure for completion of the AOC-CR-281, Petition And Order Of Expunction Under G.S. 15A-145.5, is as follows:

1. **Print clearly and legibly, using only black ink.** If you wish to submit a typed petition, the form is available electronically on the NCAOC's website at www.nccourts.gov/documents/forms. In the "Contains" field, enter the number of the petition, AOC-CR-281. Searching by the form number will provide you with a link to a fillable PDF version of the form.
2. No order should be entered until this form has been completed by the petitioner, a judge, the State Bureau of Investigation (SBI), and the Administrative Office of the Courts (NCAOC) and has been returned to the clerk of superior court as explained below.
3. The petitioner or attorney should complete all offense information on Side One of the form from the court file. Please pay special attention to correctly identifying the arresting agency(ies) and any other State or local agency that has a record of the case. 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 the 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.
4. Complete and sign the petition. Attach the affidavits required by G.S. 15A-145.5(c), and serve a copy of the petition on the district attorney. The affidavits are listed in No. 13 below. (**NOTE: There are no NCAOC forms for expunction affidavits.**) Thereafter, follow the clerk's instructions for obtaining a judge's signature on the "Request By Judge" and for forwarding the petition to the SBI.
5. For expungements under G.S. 15A-145.5, a fee of \$175.00 must be paid to the clerk at the time the petition is filed.
6. The SBI will complete the Criminal History Record Information and a search for outstanding warrants and pending criminal cases and forward it to the NCAOC.
7. The NCAOC will complete the record and mail it to the clerk in the county where the expunction is pending.
8. The clerk places the sealed envelope in the file, to be opened by the presiding judge when the petition is heard.
9. It is the responsibility of the petitioner to determine when the AOC-CR-281 has been returned and to ask the clerk or DA to schedule the petition for hearing.
10. If an order of expunction is entered, the clerk makes copies of the order, completes "Certification By Clerk" on each copy, and sends certified copies to the petitioner, the State Bureau of Investigation, the Department of Public Safety, the Division of Motor Vehicles, the arresting agency and any other State or local government agency identified on the petition, and the NCAOC.
NOTE: The clerk of superior court will send you a certified copy of the final order. 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 will have no record of the case and will be unable to provide any documentation of the case. This includes the expunction order; it will be destroyed with the case file.
11. The clerk retains the original order of expunction to be disposed of with the papers in this case.
12. If the petition is denied, the clerk will retain the original of the denied petition, but any information from the SBI or NCAOC shall be destroyed, unless the court orders otherwise.
13. List of required affidavits under G.S. 15A-145.5(c):
 - (1) An affidavit by the petitioner that the petitioner has been of good moral character since the date of conviction of the nonviolent misdemeanor or nonviolent felony and has not been convicted of any other felony or misdemeanor, other than a traffic violation, under the laws of the United States or the laws of this State or any other state.
 - (2) Verified affidavits of two persons who are not related to the petitioner or to each other by blood or marriage, that they know the character and reputation of the petitioner in the community in which the petitioner lives and that the petitioner's character and reputation are good.
 - (3) A statement that the petition is a motion in the cause in the case wherein the petitioner was convicted.
 - (4) An affidavit by the petitioner that no restitution orders or civil judgments representing amounts ordered for restitution entered against the petitioner are outstanding.

NOTE TO PETITIONER: *The expunction of your case information from the records of the court and of other State and local government agencies does not guarantee that the information will be expunged from all other sources. Private companies routinely acquire copies of criminal records from State and local criminal justice agencies. Certain private entities are required to expunge your case information upon receiving notice of the expunction order, but there may be a delay between entry of the order of expunction and deletion from the entity's records. Further, that duty to expunge does not apply to all private entities. If a private entity distributes information about your expunged case, contact the private entity to determine which government agency was the source of the information, and then contact that government agency to determine whether or not the expunction order was received. If the private entity claims that the NCAOC was the source of the information, contact the NCAOC's Remote Public Access office at rpa@nccourts.org or (919) 890-2220 to investigate the entity's claim.*

NORTH CAROLINA

IN THE GENERAL COURT OF JUSTICE

_____ COUNTY

_____ COURT DIVISION

STATE OF NORTH CAROLINA,
Plaintiff,

vs.

Defendant.

)
)
)
)
)
)
)

(Case Number)

**DEFENDANT'S
AFFIDAVIT**

NOW COMES the Defendant, _____, who, after first being duly sworn, deposes and says:

1. I am the defendant in the above-captioned matter.
2. This sworn statement is made in support of my petition to expunge a charge from my criminal record.
3. The attached petition is a motion in the cause in the case wherein I was convicted.
4. I have been of good moral character and have not been convicted of _____

5. No restitution orders or civil judgments representing amounts ordered for restitution entered against me are outstanding.

This the _____ day of _____, 20__

_____, Affiant

Sworn to and subscribed before me
on this the _____ day of _____, 20__.

Notary Public

My Commission Expires: _____

NORTH CAROLINA

IN THE GENERAL COURT OF JUSTICE

_____ COUNTY

_____ COURT DIVISION

(Case Number)

STATE OF NORTH CAROLINA,
Plaintiff,

vs.

Defendant.

)
)
)
)
)
)
)

**AFFIDAVIT OF
GOOD CHARACTER**

The Affiant, _____, after first being duly sworn, deposes and says:

1. I am a personal acquaintance of the Defendant in the above-captioned matter.
2. This statement is in support of the Defendant's petition to expunge a conviction from his/her criminal record.
3. I am not related to the Defendant by blood or marriage, nor am I related to the other Affiant _____, by blood or marriage.
4. I have known the Defendant for _____ years.
5. I live in the same community as the Defendant.
6. I know the character and reputation of the Defendant in the community in which the Defendant lives. The Defendant's character and reputation in the Defendant's community are good.

This the _____ day of _____, 20__

_____, Affiant

Sworn to and subscribed before me
on this the _____ day of _____, 20__.

Notary Public

My Commission Expires: _____

NORTH CAROLINA

IN THE GENERAL COURT OF JUSTICE

_____ COUNTY

_____ COURT DIVISION

(Case Number)

STATE OF NORTH CAROLINA,)
Plaintiff,)
)
vs.)
)

Defendant.)

**AFFIDAVIT OF
GOOD CHARACTER**

The Affiant, _____, after first being duly sworn, deposes and says:

1. I am a personal acquaintance of the Defendant in the above-captioned matter.
2. This statement is in support of the Defendant's petition to expunge a conviction from his/her criminal record.
3. I am not related to the Defendant by blood or marriage, nor am I related to the other Affiant _____, by blood or marriage.
4. I have known the Defendant for _____ years.
5. I live in the same community as the Defendant.
6. I know the character and reputation of the Defendant in the community in which the Defendant lives. The Defendant's character and reputation in the Defendant's community are good.

This the _____ day of _____, 20__

_____, Affiant

Sworn to and subscribed before me
on this the _____ day of _____, 20__.

Notary Public

My Commission Expires: _____

NORTH CAROLINA

IN THE GENERAL COURT OF JUSTICE

_____ COUNTY

_____ COURT DIVISION

(Case Number)

**AFFIDAVIT OF
NO RESTITUTION ORDERS OR
CIVIL JUDGEMENTS**

I, _____, being first duly sworn, depose and say that
(Petitioner insert full name here)
I have read the foregoing Petition and that facts therein are true to my belief and knowledge.

1. I am a resident of _____ County, State of North Carolina.
2. I have no restitution orders or civil judgments representing amounts ordered for restitution entered against me are outstanding.
3. This petition is a motion in the cause in the case wherein the petitioner was convicted.

Dated: _____

Signature: _____

Name: _____

Address: _____

Sworn to and subscribed before me this _____
Day of _____, 20__.

Notary Public

My commission expires: _____