



26th Judicial District

SelfServe Center

EXPUNGEMENT

15A-146(a2)

(Not Guilty or Not Responsible)

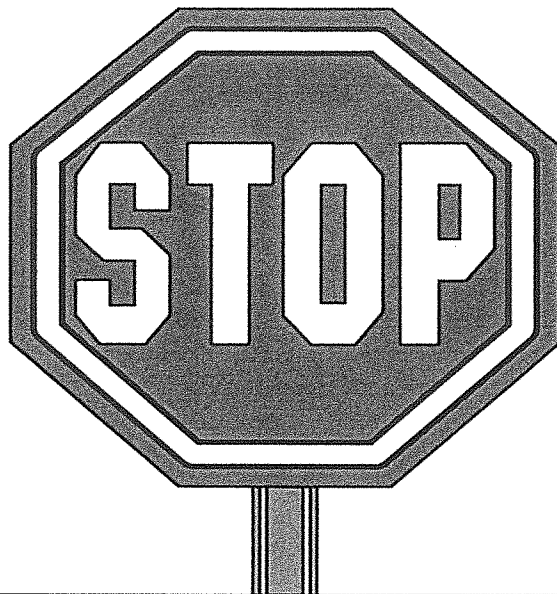
Applies to a misdemeanor, felony, or [an infraction charge under N.C. Gen Stat §18 (b)-302(i) (purchase or possession of alcohol by a 19 or 20 year old) prior to December 1, 1999] that was found not guilty or not responsible.

DUE TO THE CHANGING NATURE OF THE LAW, the forms and information contained in this packet may become outdated.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: _____



**PLEASE CAREFULLY READ THE FORMS AND
INSTRUCTIONS CONTAINED IN THIS PACKET.**

**IF YOU HAVE ANY QUESTIONS, PLEASE CONSULT
WITH AN ATTORNEY.**

THESE ARE EDUCATIONAL FORMS DESIGNED TO
ASSIST YOU, BUT YOU ARE REPRESENTING
YOURSELF. PLEASE REVIEW AND FOLLOW THE
DIRECTIONS TO IMPROVE YOUR PERFORMANCE IN
YOUR CASE. FAILURE TO READ AND FOLLOW THE
INSTRUCTIONS MAY ADVERSELY IMPACT YOUR
CLAIM.

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-288. 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-288 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-146(a2)

If any person is charged with a crime, either a misdemeanor or a felony, or was charged with an infraction under G.S. 18B-302(i) prior to December 1, 1999, and that person was found not guilty or not responsible, that person may apply to the court of the county where the charge was brought for an order to expunge from all official records any entries relation to his apprehension or trial. The court shall hold a hearing on the application and, upon finding that the person had not previously been convicted of any felony under the laws of the United States, this State, or any other state, the court shall order the expunction. No person as to whom such an order has been entered shall be held thereafter under any provision of any law to be guilty of perjury, or to be guilty of otherwise giving a false statement or response to any inquiry made for any purpose, by reason of his failure to recite or acknowledge any expunged entries concerning apprehension or trial.

To Receive an Expungement under N.C. General Statute

§15A-146(a2)

- You must have been charged with a misdemeanor or felony and you were FOUND NOT GUILTY or FOUND NOT RESPONSIBLE.
- You HAVE NOT been previously convicted of any felony.

Documents Needed To Begin Expungement

- 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.

**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)
- **Form AOC-CR-288**

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 \$25.00 dollars per record check payable by CASH or MONEY ORDER. 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-288

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.

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 you must obtain a Judge's signature. To obtain the Judge's signature, take the form, along with your criminal record, 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 immediately to the right is a box label "Expungements-SBI", place your packet of paperwork in the box labeled "Expungements-SBI".

AFTER YOU HAVE SUBMITTED YOUR PAPERWORK

Your packet of information will be given to the State Bureau of Investigation (SBI) then it will be sent to the Administrative Office of the Courts 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 your paperwork will be sent to the address on the form AOC-CR-288. 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, 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.**

_____ County In The General Court Of Justice
 District Superior Court Division

STATE VERSUS
PETITION AND ORDER OF EXPUNCTION
UNDER G.S. 15A-146(a2)
(NOT GUILTY OR NOT RESPONSIBLE)
G.S. 15A-146, 15A-150

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

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

PETITION TO EXPUNGE

I hereby petition for an expunction pursuant to G.S. 15A-146(a2) and certify as follows:

- In this court of the county named above I 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 finding of not guilty or finding of not responsible.
- I have not previously been convicted of any felony.
- 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. I hereby request and authorize a name-based State and national criminal record check by the NC Department of Public Safety.

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

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

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
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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 not searched the NCAOC's confidential expunction file because a prior expunction search is not required for an expunction under G.S. 15A-146.

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 charged with those offenses indicated on Side One.
2. Said charges were disposed of as indicated in the Petition on Side One.
3. There is a civil revocation record that resulted from the offense(s) the petitioner is seeking to expunge.
4. Petitioner has not previously been convicted of a felony.
5. 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. 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 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 Division 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-146(a2) (NOT GUILTY OR NOT RESPONSIBLE)
FORM AOC-CR-288, New 4/18**

The procedure for completion of the AOC-CR-288, Petition And Order Of Expunction Under G.S. 15A-146(a2), and obtaining a hearing on the petition 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.org/Forms/FormSearch.asp. In the "Form Number" field, enter the number of the petition, AOC-CR-288. 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 the form has been completed by the petitioner, a judge, the State Bureau of Investigation (SBI), and the North Carolina 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. 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. The SBI will complete the Criminal History Record Information and forward it to the NCAOC.
6. The NCAOC will complete the record and mail it to the clerk in the county where the expunction is pending.
7. The clerk places the sealed envelope in the file, to be opened by the presiding judge when the application is heard.
8. It is the responsibility of the petitioner to determine when the AOC-CR-288 has been returned and to ask the clerk or DA to schedule the petition for hearing.
9. 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.
10. The clerk retains the original order of expunction to be disposed of with the papers in this case.
11. 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.

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.*

STATE OF NORTH CAROLINA

File No.

_____ County

In The General Court Of Justice
 District Superior Court Division

STATE VERSUS

Name Of Petitioner

**EXPUNCTION PETITION ATTACHMENT:
 ADDITIONAL AGENCIES/
 ADDITIONAL FILE NOS. AND OFFENSES**

NOTE: Use this page in conjunction with NCAOC expunction petition forms to list additional state or local government agencies that may have a record of your case and/or to list additional file nos. and offenses that are to be included in your petition to expunge.

ADDITIONAL AGENCIES

The following additional state or local government agencies have a record of my case and are included with the agencies listed as having a record of my case in the AOC-CR-_____ (type or print form number) expunction petition to which this form is attached.

Name And Address Of Additional Agency	Name And Address Of Additional Agency	Name And Address Of Additional Agency

ADDITIONAL FILE NOS. AND OFFENSES

The following additional file nos. and offenses are included in the petition to expunge section of the AOC-CR-_____ (type or print form number) expunction petition to which this form is attached.

File No.(s)	Date Of Arrest (if applicable)	Offense Description	Date Of Offense	Disposition	Date Of Disposition/Conviction (if applicable)