

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-147(a)
(IDENTITY THEFT)**

G.S. 15A-147, 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.

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 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 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)	Offense Description	Date Of Offense	Disposition

PETITION TO EXPUNGE**I certify as follows:**

1. In this court of the county named above I was named in a charge for an infraction, a misdemeanor, or a felony, the file number(s) for which is/are set out above.
2. I was named in a charge for the offense(s) listed above as a result of another person using my identifying information without my permission or mistaken identity.
3. The Court in this matter dismissed the charge(s), entered a finding of not guilty on the charge(s), or set aside the conviction(s) on the charge(s) listed above.
4. I have served a copy of this petition on the district attorney and 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.

Therefore, pursuant to G.S. 15A-147, I hereby petition the Court to order the expunction of all entries relating to my apprehension, charge or trial from all from all official records of the General Court of Justice, all law enforcement agencies, the Department of Adult Correction, the Division of Motor Vehicles, and any other State or local government agency identified above.

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 district attorney.
 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 district attorney.
 leaving a copy at the office of the district attorney 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 district attorney.

Date Service Accepted _____ Name Of Person Accepting Service (type or print) _____ Signature Of Person Accepting Service _____

FINDINGS OF FACT

After notice to the district attorney and a hearing on the petition, the Court makes the following findings of fact:

- 1. The charge(s) against the petitioner in this matter was/were dismissed, or the Court entered a finding of not guilty on the charge(s), or the Court set aside the conviction(s) on the charge(s).
a. The identity of the petitioner was used without the permission of the petitioner and this use resulted in the charge(s) against the petitioner shown on the reverse.
b. The charges were the result of mistaken identity.

ORDER

Therefore, the Court hereby ORDERS:

- 1. The petition is granted.
a. Any and all entries relating to the petitioner's apprehension, charge or trial shall be expunged from all official records of the court.
b. All law enforcement agencies, the Department of Adult Correction, 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 are hereby directed to expunge from all official records any entries relating to the person's apprehension, charge, or trial.
c. The Division of Motor Vehicles shall reverse any administrative actions taken against the petitioner as a result of each charge or conviction hereby expunged, including the assessment of drivers license points and any drivers license suspension or revocation.
d. The Department of Adult Correction and any other applicable State or local government agency shall reverse any administrative actions taken against the petitioner as a result of the charges or convictions expunged.
e. Any insurance company that charged any additional premium based on insurance points assessed against a policyholder as a result of a charge or conviction that was expunged shall refund those additional premiums to the policyholder upon notification of the expungement.
f. The costs of expunging records in compliance with this Order shall not be taxed against the petitioner.
2. Because the Court does not find both Findings of Fact Nos. 1 and 2, above, 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.

Table with 3 columns: Date, Name Of Presiding Judge (type or print), Signature Of Presiding Judge

NOTICE

If this petition is granted, G.S. 15A-147 provides that the petitioner shall not be held hereafter 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 the petitioner's failure to recite or acknowledge any expunged entries concerning his/her apprehension, charge or trial.

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 Adult Correction, 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 4 columns: Date, Name (type or print), Signature Of Clerk, and checkboxes for Dep. CSC, Asst. CSC, Clerk Of Superior Court. Includes a SEAL label.

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, DAC, DMV, and NCAOC copies to:

State Bureau of Investigation NC Department of Adult Correction 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 Attn: Records Officer
PO Box 29500 4226 Mail Service Center Attn: Hearings/Adjudication Unit PO Box 2448
Raleigh, NC 27626 Raleigh, NC 27699-4226 3118 Mail Service Center 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.

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.