

INSTRUCTIONS FOR CERTIFICATE OF RELIEF PETITION AND ORDER FORM AOC-CR-273, Rev. 6/12

Note: *This document is designed to provide procedural advice on the filing of a petition for a Certificate of Relief under Article 6 of Chapter 15A of the North Carolina General Statutes (G.S. 15A-173.1 through G.S. 15A-173.6). This document is not a substitute for the advice of an attorney, and the Office of the Clerk of Superior Court is prohibited from providing you with legal advice. Accordingly, **if you have any questions regarding your legal rights and remedies, you should consult an attorney licensed to practice law in North Carolina.***

1. Where to Obtain the AOC-CR-273 Petition Form:

- If you have Internet access, the form is available electronically on the AOC's website at <http://www.nccourts.org/Forms/FormSearch.asp>. In the "Form Number" field, enter the number of the petition, AOC-CR-273, then click the "Search" button. Once the search results box appears, click on the form number, AOC-CR-273. You will need Adobe Acrobat Reader in order to review the form.
- If you do not have Internet access, you may obtain a hard copy of the form by visiting the Office of the Clerk of Superior Court in your county.

2. Where to File the Form: You must file the petition with the Office of the Clerk of Superior Court in the North Carolina county in which you were convicted. If you now reside in a different county, you still must file the petition in the county of conviction.

3. How to Complete the Form:

- If you complete the form by hand, **please print clearly and legibly, using only black ink.**
- At the top left of the form, enter the name of the county in which you were convicted (which also is the county where you will file the petition).
- At the top right of the form, enter the file number(s) of your case(s), and indicate whether you were convicted in the District or Superior Court Division by checking the appropriate box.
- Next complete the information fields under "IN THE MATTER OF."
- Once you have completed this information at the top of the form, provide the requested case information in the table under "I. OFFENSE(S)." If you do not have this information on hand, you may want to review your case file in the Office of the Clerk of Superior Court.
- After completing the offense table, carefully review and complete the items under "II. PETITION." Please select the options under item nos. 4 and 6 that apply to you, and provide the additional information required on the blank lines. If you have filed a previous AOC-CR-273 petition that the court denied, also be sure to complete item no. 9. (If you have not previously filed a petition, you can leave no. 9 blank, or write "not applicable.") Date and sign the petition in the fields provided.

4. Supporting Documents: If you wish to submit additional materials that support your petition (for example, good character affidavits or completion documents from the North Carolina Division of Adult Correction), please bring these to the hearing on your petition rather than presenting them to the clerk as part of your petition filing. Please note that any materials you submit to the court may become part of the official court record, which is open to the public, and the clerk cannot seal these documents without an order from the court to do so.

5. Filing Fee: There is no filing fee associated with a Certificate of Relief petition, so you do not have to provide the clerk's office with any funds at the time of filing.

6. Court Hearing:

- Once you have filed your petition, the clerk's office will provide notice to the Office of the District Attorney, and a hearing date will be set based on the scheduling practices in the county. The hearing cannot take place until at least three weeks after the notice to the Office of the District Attorney.
- At the hearing, you (or your attorney) may speak on your behalf. The Office of the District Attorney also has the right to be heard. The Office of the District Attorney will notify any victim of the offense that you have filed a Certificate of Relief Petition, and the victim has the right to speak at the hearing or file a written statement in response to your petition.
- A judge, a clerk, or a magistrate may preside at the hearing, as determined by the Senior Resident Superior Court Judge or Chief District Court Judge.

7. Decision of the Court:

- After considering the testimony and other information presented at the hearing, the judge, clerk, or magistrate presiding at the hearing will enter a ruling on your petition.
- If the court **grants** your petition, please note that a Certificate of Relief is **not** an expunction or a pardon. Your case will continue to appear in the public records of the court. For more information about the scope of a Certificate of Relief, you may want to review Article 6 of Chapter 15A of the North Carolina General Statutes (G.S. 15A-173.1 through G.S. 15A-173.6), or consult an attorney. Also please read the "CAUTION TO PETITIONER" at the bottom of side one of the AOC-CR-273 form.
- If the court **denies** your petition, you must wait at least 12 months before filing another AOC-CR-273 petition. If you choose to file another petition after 12 months, please pay careful attention to any "condition(s) of reapplication" that the court lists on side two of the form in item no. 2 under "VI. ORDER."