

STATE OF NORTH CAROLINA

County

File No.

Scan No.(s)

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

PETITION AND ORDER OF EXPUNCTION UNDER G.S. 15A-145.4 (NONVIOLENT FELONY UNDER AGE 18)

G.S. 15A-145.4, 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.

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 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) | 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-145.4 and certify as follows:

- I have not previously 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.
- In the county named above I pled guilty to or was found guilty of the nonviolent felony(ies) listed above, and further certify that:
 - None of the offenses is more serious than a Class H felony.
 - None of the felony(ies) listed is among the exceptions in G.S. 15A-145.4(a) that are ineligible for expunction.
 - This petition is being filed as a motion in the cause in the case wherein I was convicted, four years after the date(s) of conviction listed above or when any active sentence, period of probation, and post-release supervision has been served, whichever occurred later.
- I was under the age of 18 at the time of commission of the felony(ies) listed above.
- I have performed at least 100 hours of community service prior to the filing of this petition, as listed and described in the attached affidavit.
- I have attached to this petition the other affidavits required by G.S. 15A-145.4(c), in addition to the affidavit of community service described above.

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 State Bureau of Investigation, a search by the State Bureau of Investigation 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 district attorney. leaving a copy at the office of the district attorney with an associate or employee.
- 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.
- email (from ICMS/OFS) to the district attorney at _____, the email address of record with this court for that person.

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

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 district attorney.

REQUEST BY JUDGE

To The State Bureau Of Investigation, Attn: CIIS Expungement Unit, 3320 Garner Road, Raleigh, NC 27610:

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

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) Signature Of Records Officer
Courtney Bailey

FINDINGS OF FACT

NOTE TO COURT: G.S. 15A-145.4(d) provides that the Court shall take the following steps in ruling upon a petition under that statute: (1) Call upon a probation officer for additional investigation or verification of the petitioner's conduct during the four-year period since the date of conviction of the nonviolent felony in question; (2) Review the petitioner's juvenile record, ensuring that the petitioner's juvenile records remain separate from adult records and files and are withheld from public inspection; (3) Review the amount of restitution made by the petitioner to the victim of the nonviolent felony to be expunged and give consideration to whether or not restitution was paid in full; and (4) Review any other information the court deems relevant, including, but not limited to, affidavits or other testimony provided by law enforcement officers, district attorneys, and victims of nonviolent felonies committed by the petitioner.

After a hearing on the petition/motion the Court makes the following findings of fact:

- 1. Petitioner was convicted of the nonviolent felony(ies) listed and in the file number(s) shown on Side One.
2. The Court has received such additional investigation of petitioner's conduct since conviction of the felony(ies) in question as the Court deems necessary, and has reviewed petitioner's juvenile record, if any, any restitution ordered and made by petitioner, and other information relevant to the petition, including affidavits or testimony of other interested parties.
3. Petitioner has remained of good moral character and has been free of conviction of any felony or misdemeanor, other than a traffic violation, for four years from the date of conviction of the nonviolent felony(ies) listed or any active sentence, period of probation, or post-release supervision has been served, whichever was later.
4. Petitioner has not previously 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.
5. Petitioner has no outstanding warrants or pending criminal cases.
6. Petitioner has no outstanding restitution orders or civil judgments representing amounts ordered for restitution entered against him/her.
7. Petitioner was less than 18 years old at the time of the commission of the felony(ies) listed on Side One.
8. Petitioner has performed at least 100 hours of community service since the time of conviction, and possesses a high school diploma, high school graduation equivalency certificate, or a General Education Development degree, as indicated in petitioner's affidavit(s) thereof.
9. The petitioner has not been previously granted an expunction.
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 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 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. 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

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.

Date Name (type or print) Signature Of Clerk [] Dep. CSC [] Asst. CSC [] Clerk Of Superior Court SEAL

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 Attn: Expunction Unit 3320 Garner Road Raleigh, NC 27610
NC Department of Adult Correction 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 Attn: Records Officer PO Box 2448 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.