

# STATE OF NORTH CAROLINA

File No.

In The General Court Of Justice

District  Superior Court Division

\_\_\_\_\_ County

## STATE VERSUS

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

Drivers License No.

State

Race

Sex

Date Of Birth

Full Social Security No.

Age At Time Of Offense

## ORDER OF EXPUNCTION UNDER G.S. 15A-147(a1) (IDENTITY THEFT OR MISTAKEN IDENTIFICATION)

G.S. 15A-147(a1)

File Number	Count No.(s)	Offense(s)	Offense Date(s)

**NOTE TO COURT:** Use this form when charges against defendant were dismissed by the Court or by the State after a determination that the charges resulted from the defendant's identity being used without permission or mistaken identification. If the charges resulted in a finding of not guilty or the verdict was set aside because of the defendant's identity being used without permission or because of mistaken identity, defendant should petition the court for expunction using AOC-CR-263.

### FINDINGS OF FACT

**The Court makes the following findings of fact:**

- The charge(s) have been dismissed by  the Court.  the State. \_\_\_\_\_ (name of prosecutor notifying court of dismissal)
- The defendant was charged as the result of  defendant's identity being used without permission.  mistaken identity.

### ORDER

**Therefore, the Court hereby ORDERS:**

The charge(s) are expunged.

- Any and all entries relating to the defendant's apprehension, charge or trial shall be expunged from all official 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 Two and on any attachment to this Order are hereby directed to expunge from all official records any entries relating to the person's apprehension, charge, or trial.
- The Division of Motor Vehicles shall reverse any administrative actions taken against the defendant as a result of each charge or conviction hereby expunged, including the assessment of drivers license points and any drivers license suspension or revocation. Further, the Division of Motor Vehicles shall provide to the defendant a certified corrected driver history at no cost and reinstate at no cost any drivers license suspended or revoked as a result of each charge or conviction hereby expunged.
- The Department of Adult Correction and any other applicable State or local government agency shall reverse any administrative actions taken against the defendant as a result of the charges or convictions expunged. The normal fee for reinstatement of a license or privilege resulting from this action shall be waived.
- 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 expunction.
- The costs of expunging records in compliance with this Order shall not be taxed against the defendant.

**NOTE TO CLERK:** Send a certified copy of this Order to the defendant at the address listed above or an updated address as provided by the defendant.

Date	Name Of Presiding Judge (type or print)	Signature Of Presiding Judge
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**ARRESTING AGENCY INFORMATION**

**NOTE TO DEFENDANT:** 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.

**NOTE TO DEFENDANT:** 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.

Name of Arresting Agency	Address of Arresting Agency

**CERTIFICATION BY CLERK**

I hereby certify that this form is a true and complete copy of the original in this case. A certified copy of this Order was sent on the date shown below to the defendant, 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 Two and on any attachment to this Order.

Date	Name (type or print)	Signature	<input type="checkbox"/> Deputy CSC <input type="checkbox"/> Asst. CSC <input type="checkbox"/> Clerk Of Superior Court	<b>SEAL</b>
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**NOTE TO CLERK:** If granted, *always* send a certified copy of this Order under seal to the defendant, 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 defendant. Send SBI, DAC, DMV, and NCAOC copies to:

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| State Bureau of Investigation<br>Attn: Expunction Unit<br>3320 Garner Road<br>Raleigh, NC 27610 | NC Department of Adult Correction<br>Attn: Combined Records Section<br>4226 Mail Service Center<br>Raleigh, NC 27699-4226 | NC Division of Motor Vehicles, Driver and<br>Vehicle Services, Driver Assistance Branch<br>Attn: Hearings/Adjudication Unit<br>3118 Mail Service Center<br>Raleigh, NC 27699-3118 | NC Administrative Office of the Courts<br>Attn: Records Officer<br>PO Box 2448<br>Raleigh, NC 27602 |
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