

STATE OF NORTH CAROLINA

_____ County

File No.

Additional File Nos.

In The General Court Of Justice
 District Superior Court Division**STATE VERSUS**

Name And Address Of Defendant

**PROSECUTOR'S VERIFICATION OF BASIS FOR
EXPUNCTION OF DNA RECORD
AND DESTRUCTION OF DNA SAMPLE**

G.S. 15A-266.3A

Date Of Arrest

Date Of Birth

Full Social Security No.

VERIFICATION

The undersigned prosecutor has reviewed the case file and any other relevant records in this matter and has determined the following:

1. A DNA sample was obtained from the above named defendant upon arrest pursuant to G.S. 15A-266.3A.
2. A basis exists under G.S. 15A-266.3A for expunction of the defendant's DNA record from the State DNA Database and destruction of the defendant's DNA sample in the State DNA Databank because, as to the charge(s) resulting from the defendant's arrest upon which a DNA sample is required under G.S. 15A-266.3A, (check one)
 - a. the charge has been dismissed. (**NOTE:** Signature of judge required below if charge dismissed by the court.)
 - b. the defendant has been acquitted of the charge. (**NOTE:** Signature of judge required below.)
 - c. the defendant has been convicted of a lesser-included misdemeanor offense that is not an offense requiring a DNA sample under G.S. 15A-266.3A(f) or (g).
 - d. no charge was filed within the statute of limitations.
 - e. no conviction has occurred, at least three years have passed since the date of arrest, and no active prosecution is occurring.

Date

Name Of Prosecutor (Type Or Print)

Signature Of Prosecutor

SIGNATURE OF JUDGE (if required)**NOTE TO JUDGE AND PROSECUTOR:** If No. 2.a. above has been selected and the court dismissed the charge, or if No. 2.b. above has been selected, the prosecutor must obtain a judge's signature on this verification form. See G.S. 15A-266.3A(j)(3).

Date

Name Of Judge (Type Or Print)

Signature Of Judge

CERTIFICATION

I certify that this form is a true and complete copy of the original on file in this case.

Date Of Certification

Name (Type Or Print)

Signature

 Dep. CSC Asst. CSC
 Clerk Of Superior Court**NOTE TO PROSECUTOR:** Upon completion, and after having obtained a judge's signature if required, file the original with the clerk and forward a certified copy to the State Crime Laboratory at the following address: NC State Crime Laboratory DNA Database Section, Expungement Unit, 121 East Tryon Road, Raleigh NC 27603-3582. The Laboratory will notify the defendant directly of its decision whether to expunge the DNA record and destroy the DNA sample. See G.S. 15A-266.3A(k).