

STATE OF NORTH CAROLINA

File No.

_____ County

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

Name And Address Of Defendant/Petitioner

**PETITION AND ORDER
OF EXPUNCTION UNDER G.S. 90-96(b)(d)(e)**

G.S. 90-96(b)(d) or (e)

| | | | | | | |
|---------------------|-------|------|-----|---------------|------------------------|------------------------|
| Drivers License No. | State | Race | Sex | Date Of Birth | Social Security Number | Age At Time Of Offense |
|---------------------|-------|------|-----|---------------|------------------------|------------------------|

Name And Address Of Arresting Agency

Name And Address Of Defendant's Attorney

| File Nos. | Date Of Arrest | Offense Description | Date Of Offense | Disposition | Date Of Disposition/ Conviction |
|-----------|----------------|---------------------|-----------------|-------------|---------------------------------|
| | | | | | |

PETITION/MOTION TO EXPUNGE

- I hereby move for an expungement pursuant to G.S. 90-96(b) and certify as follows:
1. I have been dismissed and discharged under G.S. 90-96(a).
 2. I was not over 21 years of age at the time of the offense(s) listed above.
 3. I have attached to this petition the affidavits required by G.S. 90-96(b).
 4. I have not received a previous expungement under G.S. 90-96.
- I hereby move for an expungement pursuant to G.S. 90-96(d) and certify as follows:
1. I was charged with the misdemeanor or felony listed above.
 2. The State dismissed the charge or entered a nolle prosequi, or I was found not guilty or otherwise adjudicated innocent.
 3. I was not over 21 years of age at the time any of the proceedings against me occurred.
 4. I have not received a previous expungement under G.S. 90-96.
- I hereby move for an expungement pursuant to G.S. 90-96(e) and certify as follows:
1. I pled guilty to or was found guilty of the charge(s) shown above.
 2. At least twelve months have passed since the date of conviction.
 3. I have not received a previous expungement under G.S. 90-96.
 4. I was not over 21 years of age at the time of the offense(s) listed above.
 5. I have been of good behavior since my conviction.
 6. I have successfully completed an approved drug education program. request the Court waive such program (*attach explanation*).
 7. I have not been convicted of a felony or misdemeanor other than a traffic violation under the laws of this State at any time prior to or since the conviction for the offense in question.

| | | | |
|------|-----------|-----------------------------------|------------------------------------|
| Date | Signature | <input type="checkbox"/> Attorney | <input type="checkbox"/> Defendant |
|------|-----------|-----------------------------------|------------------------------------|

REQUEST BY JUDGE**To The State Bureau Of Investigation, P.O. Box 29500, Raleigh, NC 27626:**

Please prepare, certify on the reverse side, and attach to this Request any Criminal History Record Information for the petitioner. Then forward this Request with Criminal History Record Information attached, confidentially to: Records Officer, Administrative Office of the Courts.

To The Records Officer, Administrative Office of the Courts, P.O. Box 2448, Raleigh, NC 27602:

Please complete the report on the reverse side and return it, along with the information attached to this Request 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

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, based on the information provided by you, which has not been verified by fingerprint comparisons, and certify that

- there is no criminal record for the defendant 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 defendant identified on the reverse side of this form.

| | | |
|------|---------|---------------------------|
| Date | SID No. | 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 which contains the names of all persons granted an expunction or dismissal and discharge in North Carolina and certify that

- there is no record under the name of the defendant of any expunction under any statute of North Carolina.
- there is a record under the name of the defendant identified on the reverse side and it is attached to this form.

| | |
|------|------------------------------|
| Date | Signature Of Records Officer |
|------|------------------------------|

FINDINGS OF FACT

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

- 1. The petitioner is seeking an expungement under G.S. 90-96(b) and
 - The petitioner has been dismissed and discharged under G.S. 90-96(a).
 - The petitioner was not over 21 years of age at the time of the offense(s) listed above.
 - The petitioner attached to this petition the affidavits required by G.S. 90-96(b).
 - The petitioner has not received a previous expungement under G.S. 90-96.
- 2. The petitioner is seeking an expungement under G.S. 90-96(d) and
 - The petitioner was charged with the misdemeanor or felony listed above.
 - The State dismissed the charge or entered a nolle prosequi, or the petitioner was found not guilty or otherwise adjudicated innocent.
 - The petitioner was not over 21 years of age at the time any of the proceedings against the petitioner occurred.
 - The petitioner has not received a previous expungement under G.S. 90-96.
- 3. The petitioner is seeking an expungement under G.S. 90-96(e) and
 - The petitioner pled guilty to or was found guilty of the charge(s) shown above.
 - At least twelve months have passed since the date of conviction.
 - The petitioner has not received a previous expungement under G.S. 90-96.
 - The petitioner was not over 21 years of age at the time of the offense(s) listed above.
 - The petitioner has been of good behavior since the petitioner's conviction.
 - The petitioner has successfully completed an approved drug education program. need not complete a drug education program (attach explanation).
 - The petitioner has not been convicted of a felony or misdemeanor other than a traffic violation under the laws of this State at any time prior to or since the conviction for the offense in question.
- 4. The petitioner is is not eligible for an expungement under any of the statutes on Side One. If not eligible, it is because: _____

ORDER

Therefore, the Court hereby ORDERS:

- 1. The petition is granted and it is ordered that all entries relating to the defendant/petitioner's apprehension, charge or trial shall be expunged from the records of the court, and all law-enforcement agencies bearing record of the same. It is further ordered that the clerk is to forward a certified copy of this order to the AOC, sheriff, chief of police or other arresting agency.
- 2. The petition is denied.

| | | |
|------|---|------------------------------|
| Date | Name Of Presiding Judge (Type Or Print) | Signature Of Presiding Judge |
|------|---|------------------------------|

CERTIFICATION BY CLERK

I certify that this form is a true and complete copy of the original in this case and is being forwarded to you for compliance with the Order.

| | | | |
|------|----------------------|-----------|---|
| Date | Name (Type Or Print) | Signature | <input type="checkbox"/> Dep. CSC <input type="checkbox"/> Clerk Of Superior Court <input type="checkbox"/> Asst CSC |
|------|----------------------|-----------|---|

NOTE TO DEFENDANT/PETITIONER: The expungement of your case information from the court's records does not guarantee your case information will be expunged from other sources. Private companies routinely acquire copies of criminal records to sell. Once the record is removed from the court system it may still be available for sale by the private companies. When this happens neither the Court nor the AOC can require the companies to stop selling the information. One course of action you might take is to send the company a certified record check from the clerk's office showing you have no record. Then request the company correct the inaccurate record in its database.