

EX PARTE

Cause No:

(Print your first, middle and last names.)

In the _____ District Court of:
_____ County, Texas

Petition for Expunction of Criminal Records

My name is _____.
(Print your first, middle, and last names.)

I am the Petitioner in this case.

I ask this Court to ORDER the expunction of any and all records arising out of my arrest, described below:

1. Information about Petitioner (You)

- 1. My name is: _____.
(PRINT your first, middle and last names.)
- 2. My gender is male. female.
- 3. My race is: _____.
- 4. My birth date is: _____
(month, day, and year.)
- 5. My driver's license number is: _____.
- 6. My social security number is: _____.
- 7. My address at the time of the arrest was:

(PRINT your address at the time of the arrest: street, city, state, and zip.)

2. Offense and Arrest

- 1. Offense: _____
(List the offense.)
- 2. Alleged Offense Date: _____
(date the offense was allegedly committed)
- 3. Arrest Date: _____
(date of arrest)
- 4. Location of Arrest: _____
(city, county, and state where you were arrested)
- 5. Arresting agency: _____
(List the agency that arrested you. For example, Austin Police Dept. or Travis County Sheriff's Dept. or Department of Public Safety, etc.)
- 6. DPS tracking number: _____

7. (Check one.)
- I have not been charged with any offense relating to my arrest. (Skip 8.)
- I was charged with an offense relating to my arrest. (Go to 8.)
8. (The official charges related to your arrest may have started in one court, and been assigned a cause number, but later transferred to another court, and assigned a different cause number. You need to list the information about all courts and cause numbers that were assigned to your case.)
- My charges were originally filed in _____ court, and assigned the following cause number: _____.
- My charges were finally prosecuted in:
- (Check one.)
- the original court, with the same cause number.
- the following court: _____, with the following cause number: _____.
9. My arrest was not pursuant to a probation revocation warrant. (You may not expunge records of an arrest that occurs pursuant to a probation revocation warrant.)

3. Grounds for Expunction (Check the box of the ground that applies to your case.)

- Never Charged** (You were never charged, and you meet at least one of the following conditions.)

I have not been charged for an offense relating to my arrest and:

(Check all that apply.)

I was arrested for a Class C misdemeanor and it has been at least 180 days since the arrest. I have not been charged with a felony arising out of the same transaction for which I was arrested. ******(See note below.)

I was arrested for a Class A or B misdemeanor and it has been at least one year since the arrest. I have not been charged with a felony arising out of the same transaction for which I was arrested. ******(See note below.)

I was arrested for a felony or I was charged with a felony arising out of the same transaction for which I was arrested. It has been at least three years since the arrest. ******(See note below.)

I have attached a letter from the prosecutor certifying that my arrest records and files are not needed for use in any criminal investigation or prosecution, including an investigation or prosecution of another person.

The Statute of Limitations has run completely for all offenses that could be charged from the arrest. This includes any tolling period that may have occurred. (See Article 12 of the Texas Code of Criminal Procedure for a complete list of the Statute of Limitations for all felonies. The Statute of Limitations for all misdemeanors is two years. The Statute of Limitations begins on the date of the alleged offense. Certain conditions may temporarily stop the Statute of Limitations. Consult with an attorney to determine if the Statute of Limitations has completely run in your case.)

******(If you ask the Court to expunge your arrest records under this ground before the Statute of Limitations has run, the Court will allow the arresting law enforcement agency and prosecutor to keep your arrest records unless you also file a letter from the prosecutor certifying that your arrest records and files are not needed for use in any criminal investigation or prosecution.)

Dismissed (Your charges were dismissed, and you meet the following conditions.)

My charges were dismissed or quashed on _____.
(month, day and year that the charges were dismissed.)

I have attached a copy of the order dismissing or quashing the charges to this Petition.

I have been released, and the charge against me has not resulted in a final conviction, and is no longer pending.

I have not submitted to any kind of court ordered supervision for the offense, unless the offense was a Class C misdemeanor.

I did not intentionally or knowingly abscond (jump bail) from the court's jurisdiction after being released on bail following this arrest.

(Check one)

No Felony. No indictment or information charging me with a felony has been presented against me for an offense arising out of the transaction for which I was arrested.

Felony. An indictment or information charging me with a felony was presented against me for an offense arising out of the transaction for which I was arrested, AND

(Check one)

the indictment or information was dismissed or quashed because I completed a pretrial intervention program authorized under Section 76.011, Government Code, or because the presentment of the indictment or information had been made because of mistake, false information, or other similar reason indicating absence of probable cause at the time of the dismissal to believe I committed the offense or because the indictment or information was void.

The Statute of Limitations has run completely for all offenses that could be charged from the arrest. This includes any tolling period that may have occurred.

(See Article 12 of the Texas Code of Criminal Procedure for a complete list of the Statute of Limitations for all felonies. The Statute of Limitations begins on the date of the alleged offense. Certain conditions may temporarily stop the Statute of Limitations. Consult with an attorney to determine if the Statute of Limitations has completely run in your case.)

Acquitted (You were acquitted of your charges.)

(Check one)

I was acquitted by the trial court. I was not convicted of another offense occurring during this same arrest/alleged criminal episode. No other offense can be charged against me out of this same arrest/ alleged criminal episode.

I have attached a copy of the judgment of acquittal to this Petition.

I was acquitted by the Court of Criminal Appeals or a court of appeals and the period for granting a petition for discretionary review has expired. I was not convicted of another offense occurring during this same arrest/alleged criminal episode. No other offense can be charged against me out of this same arrest/ alleged criminal episode. I realize that it is within this Court's discretion to expunge my arrest record. I am asking this court to expunge my records.

I have attached a copy of the judgment of acquittal to this Petition.

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5. Prayer

I ask the Court to set the case for hearing, and after giving reasonable notice to each official or agency or other entity named in Paragraph IV, order the official, agency or entity to:

1. return all records concerning this arrest to the Court for delivery to me; or if removing the records is not practical, to destroy the records and notify the Court of their destruction, and
2. delete from its public records all index references to the records and files that are subject to the expunction order, and
3. direct any state agency that sent information concerning the arrest to a central federal depository to request the depository to return all records and files subject to the expunction order.

Respectfully submitted,

Do not sign until you are in front of the notary!



Petitioner signs in front of a notary

Date

Petitioner's name (print)

() _____

Phone number

Mailing address:

street address

city

state

zip

Notary fills out below.

State of Texas, County of _____
(Print the name of county where this affidavit is notarized.)

Sworn to and subscribed before me, the undersigned authority, on this date: _____

by _____
(Print the first and last names of the person who is signing this affidavit.)

(Notary's seal here)



Notary's signature