

EX PARTE

Cause No:

[Empty box for Cause No.]

(Print your first, middle and last names.)

In the _____ District Court of:

_____ County, Texas

Order Directing Expunction of Criminal Records

Today, the Court considered Petitioner’s Petition for Expunction of Criminal Records. It appears to the Court that it has jurisdiction and that proper notice has been provided.

1. Appearances

(Print your first, last and middle names.)

Petitioner, _____, appeared in person, representing him/herself.

(Check one.)

- No other party appeared.
- The following party (parties) appeared:

2. Information about Petitioner

1. Petitioner’s name is: _____.
2. Petitioner’s gender is male. female.
3. Petitioner’s race is: _____.
4. Petitioner’s birthdate is: _____ (month, day, and year.)
5. Petitioner’s driver’s license number is: _____.
6. Petitioner’s social security number is: _____.
7. Petitioner’s address at the time of the arrest was:

Street Address City State Zip

3. Offense and Arrest

1. Offense: _____
2. Alleged Offense Date: _____
3. Arrest Date: _____
4. Arresting agency: _____
5. Location of Arrest: _____

6. DPS tracking number: _____

7. (Check one.)

Petitioner has not been charged with any offense relating to this arrest. (Skip 8.)

Petitioner was charged with an offense relating to this arrest. (Go to 8.)

8. Petitioner's charges were originally filed in _____ court, and assigned the following cause number: _____.

Petitioner's charges were finally prosecuted in:

(Check one.)

the original court, with the same cause number.

the following court: _____, with the following cause number: _____.

4. Findings

After the presentation of evidence, the Court finds that Petitioner:

(Check one.)

is not entitled to have his/her records expunged.

is entitled to have his/her records expunged.

5. Grounds for Expunction (Check the box of the ground that applies to this case.)

Never Charged

Petitioner has never been charged with an offense relating to this arrest and:

(Check all that apply.)

Petitioner was arrested for a Class C misdemeanor and it has been at least 180 days since the arrest. Petitioner has not been charged with a felony arising out of the same transaction for which Petitioner was arrested.

Petitioner was arrested for a Class A or B misdemeanor and it has been at least one year since the arrest. Petitioner has not been charged with a felony arising out of the same transaction for which Petitioner was arrested.

Petitioner was arrested for a felony or was charged with a felony arising out of the same transaction for which Petitioner was arrested. It has been at least three years since the arrest.

The attorney representing the state (the prosecutor) certifies that Petitioner's arrest records and files are not needed for use in any criminal investigation or prosecution, including an investigation or prosecution of another person. A copy of a letter from the prosecutor is attached to and fully incorporated in to this Order.

The Statute of Limitations has expired for all offenses that could be charged from this arrest.

Dismissed

Petitioner's charges were dismissed or quashed on _____.
month, day and year

A copy of the order dismissing or quashing the charges is attached to and fully incorporated in to this Order.

Petitioner was released, and the charge against Petitioner has not resulted in a final conviction, and is no longer pending.

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

Petitioner 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 Petitioner with a felony has been presented against Petitioner for an offense arising out of the transaction for which Petitioner was arrested.

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

(Check one)

the indictment or information was dismissed or quashed because Petitioner 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 Petitioner 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.

Acquitted

(Check one)

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

Petitioner 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. Petitioner was not convicted of another offense occurring during this same arrest/alleged criminal episode. No other offense can be charged against Petitioner out of this same arrest/ alleged criminal episode.

A copy of the judgment of acquittal is attached to and fully incorporated in to this Order.

Pardoned or Otherwise Granted Relief Based on Actual Innocence

(Check one)

- Petitioner was convicted, but later pardoned. A copy of the pardon is attached to and fully incorporated in to this Order.
- Petitioner was convicted, but later pardoned or otherwise granted relief based on Petitioner's actual innocence. A copy of the pardon or court order is attached to and fully incorporated in to this Order. The pardon or court order clearly shows on its face that it was granted based on Petitioner's actual innocence.

Prosecutor Recommends Expunction

Petitioner has not been tried for the offense for which Petitioner was arrested and the prosecutor, authorized to prosecute the offense for which Petitioner was arrested, recommends the records of the arrest be expunged.

6. Orders

IT IS ORDERED that all records arising out of Petitioner's arrest by:

(name of arresting agency) _____

for the offense of: *(list the offense.)* _____

on *(date of arrest)* _____, are EXPUNGED.

IT IS FURTHER ORDERED that each official, agency, or entity named below shall:

1. Return all records and files pertaining to the arrest or prosecution at issue to the Court, in a sealed envelope, for delivery to Petitioner, or if removal is impractical, obliterate the records and notify the Court of such action.

Videotapes and audiotapes shall be expunged by erasing them.

Records that pertain both to this arrest and to other arrests that are not included in this Order, and that would have been generated even if the expunged arrest had not been made, SHALL be obliterated (covered with tape, white-out or other opaque substance) only as they pertain to this arrest.

A photocopy of such partially obliterated records SHALL be forwarded to the Court.

2. Delete from its public records all index references to the records and files that are subject to this expunction order.
3. Immediately notify any central federal depository that the official, agency, or entity sent information concerning the arrest or prosecution in this petition, of this order, giving an explanation of this order, and requesting the depository to return all records and files subject to this expunction order, including any information concerning this order itself. If return of the records and files is impractical, the depository shall be requested to destroy the records and files.

The phrase "all records and files pertaining to the arrest" includes records and files that were generated by Respondents during this expunction proceeding and includes copies of the Petition and this Order that were served on each Respondent.

