

NO. _____

EX PARTE * IN THE _____
* DISTRICT COURT _____
* OF DALLAS COUNTY, TEXAS

PETITIONER (Print full name)

PETITION FOR EXPUNCTION¹

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW _____, Petitioner, and says:
(Print full name)

1. Required Identifying Information

Petitioner has the following description:

Race: _____

Sex: _____

Date of Birth: _____

Driver's License Number: _____

Social Security Number: _____

Address at Time of Arrest: _____

Current Mailing Address: _____

¹This form is provided for the convenience of the public and is not intended as a substitute for independent legal analysis by an attorney. Persons are strongly encouraged to consult an attorney with any questions regarding their eligibility for relief under Tex. Code Crim. Proc. Ann. art. 55.01.

2. Required Offense and Arrest Information

Petitioner can establish his/her eligibility for expunction under Tex. Code Crim. Proc. Ann. art. 55.01 for the following arrests:

Offense: _____
Offense Date: _____
Arrest Date: _____
Case Number : _____
Service Number: _____
Grand Jury Number: _____
Grand Jury Date: _____
Arresting Agency: _____
Filing Agency: _____
City and County of Arrest: _____
DPS Tracking Number (TRN): _____

Offense: _____
Offense Date: _____
Arrest Date: _____
Case Number : _____
Service Number: _____
Grand Jury Number: _____
Grand Jury Date: _____
Arresting Agency: _____
Filing Agency: _____
City and County of Arrest: _____
DPS Tracking Number (TRN): _____

3. Legal Grounds for Expunction²

Petitioner is eligible for expunction of his/her criminal arrest **and can establish** the eligibility requirements contained in subsection “A,” “B,” or “C” as provided below:

3.1 Acquittal, Pardon, or Actual Innocence Exoneration

- a. The Petitioner was charged by indictment, information, or complaint and thereafter ACQUITTED by the trial court, Court of Appeals, or Court of Criminal Appeals, AND the Petitioner is not subject to prosecution for or was not convicted of another offense arising out of the same criminal episode as defiled by Penal Code 3.01; or
- b. The Petitioner was convicted and subsequently PARDONED by the Governor; or
- c. The Petitioner was convicted and subsequently PARDONED or granted relief based on a court finding of ACTUAL INNOCENCE.

3.2 No charges have been filed

- a. The Petitioner was arrested/cited for a Class C misdemeanor offense, at least 180 days has elapsed since the date of arrest, and the Petitioner has not been charged with a felony as a result of the same transaction; or
- b. The Petitioner was arrested for a Class B misdemeanor offense, at least one year has elapsed since the date of arrest, and the Petitioner has not been charged with a felony as a result of the same transaction; or
- c. The Petitioner was arrested for a Felony offense and at least three years have elapsed since the date of arrest; or
- d. The Attorney representing the State certifies that the applicable records and files are not needed for use in any criminal investigation or prosecution, including an investigation or prosecution of another person; or
- e. Prosecution of the person for the offense is barred by Statute of Limitations.

² An arrest resulting in CONVICTION, or resulting in DEFERRED ADJUDICATION COMMUNITY SUPERVISION (PROBATION) for an offense other than a Class C misdemeanor IS NOT ELIGIBLE FOR EXPUNCTION.

3.3 Charges filed and indictment, information, or citation dismissed or quashed

- a. The Petitioner has been released and the charge, if any, has not resulted in a final conviction and is no longer pending and there was not court-ordered community supervision under Article 42.12 for the offense, unless the offense is a Class C misdemeanor, the charges were dismissed or quashed, AND
- i. The indictment or information was dismissed **BECAUSE the Petitioner completed a pretrial intervention program authorized under Section 76.011**; or
- ii. The indictment or information was dismissed or quashed **BECAUSE the presentment 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 the person committed the offense**; or
- iii. The indictment or information was dismissed or quashed **BECAUSE the indictment or information was VOID**; or
- iv. Prosecution of the person for the offense is barred by Statute of Limitations.
- v. the offense for which the Petitioner was arrested/cited is a Class C misdemeanor filed in a justice or municipal court, the citation was not issued for a violation under Tex. Alch. Beverage Code § 106., and the Petitioner received and successfully completed deferred adjudication community supervision under Tex. Code Crim. Proc. Ann. art. 45.051(a)(e).

4. Respondents - State governmental agencies and entities

The following law enforcement agencies and other governmental entities **of this State** with information related to above identified arrest(s) include the following named Respondents:

- 4.1 Dallas County District Attorney's Office for itself and the following county agencies:
- (X) District Clerk
 - (X) County Clerk
 - () Grand Jury (if offense charged is a felony)
 - (X) Sheriff-ID
 - (X) Sheriff-Bond
 - (X) Community Supervision & Corrections

4.2 Arresting Agency: _____
(police department, sheriff's department, or constable's office)

Mailing Address: _____

4.3 Filing Agency: _____

Mailing Address: _____

4.4 Court: _____
(district court, county court, municipal court, or J.P court)

Mailing Address: _____

4.5 _____: _____
(other State agency)

Mailing Address: _____

4.6 Texas Department of Public Safety
Crime Records Division – MSC 0234
Post Office Box 4143
Austin, Texas 78765-4143

4.7 Texas Department of Criminal Justice – CJAD
Lee Downing, CSTS Administrator
209 W. 14th, Suite 400
Austin, Texas 78701

5. Private entities and out of agencies with criminal history record information subject to notification by the Texas Department of Public Safety of order granting expunction include:

5.1 Any entity that purchases criminal history record information from the DPS in accordance with Tex. Code Crim. Proc. Ann. § 3(c-2);

5.2 **PublicData.com;**

5.3 **criminalhisotryrecord.com**

5.4 _____

6. Prayer

Petitioner therefore prays that:

(1) this case be set for hearing at the earliest practical time after 30 days from the date of filing of this petition;

(2) the clerk deliver, by certified mail, copies of this petition and of the order setting hearing date to Respondents; and

(3) at the hearing, expunction be granted.

Respectfully submitted,

Name: _____

Address: _____

Telephone: _____

VERIFICATION (Signed Before a Notary Public)

I hereby swear that the facts alleged herein are true and correct to the best of my knowledge.

SUBSCRIBED TO AND SWORN BEFORE ME on the _____ day of _____,
20_____.

NOTARY PUBLIC in and for
_____ County, Texas

ORDER SETTING HEARING DATE

This case will be heard on _____, 20____, at _____ o'clock
____.m.

SIGNED this _____ day of _____, 20____.

JUDGE