

Criminal Record Sealing and Expungement

Washington, D.C.

In D.C., there are opportunities to get one's criminal records sealed. Generally, there is a two (2) year waiting period for eligible misdemeanors that resulted in a non-conviction. There is a three (3) to four (4) year waiting period for other (*ineligible*) misdemeanor offenses that resulted in a non-conviction. For convictions of **eligible** misdemeanors (*see* D.C. Code §§ 16-801(7) and (9)) and/or felony bail reform act offenses, there is an eight (8) year waiting period before moving to seal. If a person wants to move to seal their non-conviction based on the premise that they were actually innocent, there are no time constraints prior to filing.

The Public Defender Service for the District of Columbia (PDS) assists people with filing these motions. Contact PDS' Community Reentry Program for more information at 202-824-2801. They accept walk-ins at 680 Rhode Island Ave., NE, Suite H-5, on Mondays, Wednesdays, and Fridays from 9:00am to 4:00pm.

Maryland

As of October 1, 2007, if you were arrested and released without being charged, the records will automatically be expunged within sixty (60) days after release. If you were arrested and charged with a crime, you may petition the court to expunge your record in the following circumstances: (1) you were found not guilty, (2) you were found guilty of or not criminally responsible for certain nuisance crimes, (3) the charge was dismissed, (4) the charge resulted in probation before judgment, (5) the case was nolle prosequi, (6) the case was indefinitely postponed (*stet*), (7) the case was compromised (*settled*), or (8) you were conflicted of only one non-violent crime and you were granted a full/unconditional pardon by the governor. For these situations, there is generally a three (3) year waiting period.

Obtain a petition for "Expungement of Police and Court Records" and the "General Waiver and Release" at any district or circuit court. You may also obtain these forms online at www.mdcourts.gov.

Virginia

In Virginia, if you have been acquitted or not convicted of a criminal charge, you are eligible to request expungement. If a charge was dismissed, it *may* be expunged. Innocence is a necessary requirement to be eligible for expungement. In order to obtain expungement, you must file a petition in the circuit court for the jurisdiction where the charge(s) were made. You may petition for expungement in the following situations: (1) found not guilty by a judge or jury, (2) found not guilty of contempt of court in a civil action, (3) the case was nolle prosequi, (4) charged with assault or battery that was dismissed, and the victim states in writing that s/he had received satisfaction for the injury, (5) identity theft, or (6) received an absolute pardon.

For assistance with filing a petition for expungement, contact the Virginia Legal Aid Society at 1-866-LegalAid (534-5243) or Legal Services of Northern Virginia at 1-800-552-7977. You may also obtain the "Petition for Expungement" online at <http://www.courts.state.va.us/forms/circuit/cc1473inst.pdf>.

Updated: May 2014

Expungement completely removes a criminal record from public view. Expunged information will not show up in background checks. You are not legally required to tell employers about an expunged record. This brochure is about expunging criminal records about you from Maryland state court records only.

Who uses expungement?

Defendants in state *criminal* cases.

If you are the *respondent* in a *peace or protective order case*, your case is *civil*, not criminal. See the brochure: *Can I Keep the Public from Seeing Information about Me in a Peace or Protective Order Case?* If the state brought a criminal case against you for the same incident, you might have both a civil and criminal case.

If you want to limit public access in your civil case, or if you are a victim or witness in a criminal case, see the brochure: *Can I Keep the Public from Seeing Information about Me in a Court Case?* (including if you are the *petitioner* in a peace or protective order case).

In many instances, you cannot file for expungement if you are *now* a defendant in any criminal action that has a possible sentence of jail time. In some instances, you cannot file for expungement if you were convicted of another crime after the crime for which you are seeking expungement.

How do I file for expungement?

For Maryland state court records, you can file a "Petition for Expungement of Records" (form CC-DC/CR-72) and if necessary, a "General Waiver and Release" (form CC-DC/CR-78). File the form with the Clerk's Office of the court that heard your case, in person or by mail.

Apply for expungement of each offense based on the date of arrest, the date on which the police served you with a citation, or the date on which you were served with a summons.

There is no way to expunge all of your criminal records at once. Your criminal records can also be expunged from Motor Vehicle Administration files and police files. Each process removes very specific files. Contact each agency that has criminal records about you to find out their expungement procedures.

Expungement of Criminal Records

I am the defendant in a criminal case, can I file for expungement?

Yes, if:

Maryland's Governor **pardoned** you;

or

The case was filed against you as a **juvenile**, initially in criminal court and then was later transferred to juvenile court; *

or

You can show **good cause**.

Yes, if three (3) years have passed and:

You received **probation before judgment** (except DUI/DWI)

or

The court **indefinitely postponed** your case ("stet");

or

The crime you were convicted of is listed in MD. CODE, CRIMINAL PROCEDURE § 10-105(a)(9), or you were found not criminally responsible for a crime, listed in MD. CODE, CRIMINAL PROCEDURE § 10-105(a)(9), or (10).

Yes, if three (3) years have passed OR you file a "General Waiver and Release" [form CC-DC/CR-78] † and:

You were found **not guilty** ("acquitted");

or

The state **did not prosecute** the charge against you ("nolle prosequi").

* Juvenile delinquency records are always confidential. Juvenile records are maintained in a separate system from adult criminal records. File your petition for expungement with the Juvenile clerk in the Juvenile court that heard your case.

† Filing this form waives certain legal rights you may have. You may want to speak to a lawyer before doing so.

Must I tell anyone about information that the court expunged?

Under MD. CODE, CRIMINAL PROCEDURE § 10-109, an employer or educational institution may not require, as a condition of employment or admission, that you disclose expunged information about yourself. This includes the state government. The state also may not require you to disclose expunged information when you apply for a state license, permit, or other registration.

For more information

Expungement can be complicated. See the Maryland Judiciary's Expungement brochure online at www.mdcourts.gov/expungement.

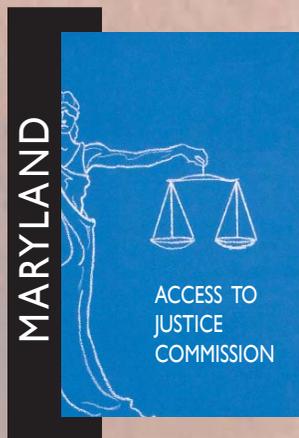
Court forms are available on the Maryland Judiciary's website at www.mdcourts.gov/courtforms.

Read Maryland's laws at www.mdcourts.gov/lawlib/researchtools/sourcesmdlaw.html.

Visit the People's Law Library of Maryland, an online legal resource, at www.peoples-law.org.

Visit any public law library in person. Call 410.260.1430 or find out more online at www.mdcourts.gov/lawlib.

Visit or call the Clerk's Office of the court that heard your case.



www.mdcourts.gov/mdatjc

410.260.1258



CIRCUIT COURT DISTRICT COURT OF MARYLAND FOR _____

City/County

Located at _____ Case No. _____

Court Address

STATE OF MARYLAND

vs. _____

Defendant

Address

City, State, Zip

Telephone No. - Home

Telephone No. - Work

**Form 4-503.2 GENERAL WAIVER AND RELEASE
(Criminal Procedure § 10-105)**

I, _____, hereby release and forever discharge _____, and _____, all of its officers, agents, and employees, and any and all other persons from any and all claims which I may have for wrongful conduct by reason of my arrest, detention, or confinement on or about _____.

Complainant

Law Enforcement Agency

Date

This General Waiver and Release is conditioned on the expungement of the record of my arrest, detention, or confinement and compliance with Code*, Criminal Procedure Article, § 10-105, as applicable, and shall be void if these conditions are not met.

WITNESS my hand and seal this _____ day of _____, _____.

Month

Year

TESTE:

Witness

Signature

(Seal)

* References to "Code" in this Petition are to the Annotated Code of Maryland.



CIRCUIT COURT DISTRICT COURT OF MARYLAND FOR _____

City/County

Located at _____ Case No. _____

Court Address

Tracking # _____

STATE OF MARYLAND

VS.

Defendant

DOB

FORM 4-504.1. PETITION FOR EXPUNGEMENT OF RECORDS

1. (Check one of the following boxes) On or about _____, I was arrested, served with a summons, or served with a citation by an officer of the _____ at _____, Maryland, as a result of the following incident _____

Date

Law Enforcement Agency

2. I was charged with the offense of _____

3. On or about _____, the charge was disposed of as follows (check one of the following boxes):

Date

- I was acquitted and either three years have passed since disposition or a General Waiver and Release is attached.
 The charge was dismissed or quashed and either three years have passed since disposition or a General Waiver and Release is attached.

A judgment of probation before judgment was entered on a charge that is not a violation of Code*, Transportation Article, §21-902 or Code*, Criminal Law Article, §§2-503, 2-504, 2-505, or 2-506, or former Code*, Article 27, §388A or §388B, and either (a) at least three years have passed since the disposition, or (b) I have been discharged from probation, whichever is later. Since the date of disposition, I have not been convicted of any crime**, and I am not now a defendant in any pending criminal action**.

A Nolle Prosequi was entered and either three years have passed since disposition or a General Waiver and Release is attached. Since the date of disposition, I have not been convicted of any crime**, and I am not now a defendant in any pending criminal action**.

The proceeding was stetted and three years have passed since disposition. Since the date of disposition, I have not been convicted of any crime**, and I am not now a defendant in any pending criminal action**.

I was convicted of a crime specified in Code*, Criminal Procedure Article, §10-105 (a)(9); three years have passed since the later of the conviction or satisfactory completion of the sentence, including probation; since the date of that conviction, I have not been convicted of any crime**; and I am not now a defendant in any pending criminal action**.

I was found not criminally responsible for a crime specified in Code*, Criminal Procedure Article, §10-105 (a)(9) or (a)(10); three years have passed since the finding of not criminally responsible; I have not been convicted of any crime**; and I am not now a defendant in any pending criminal action**.

The case was transferred to the juvenile court pursuant to Code*, Criminal Procedure Article, §§4-202 or 4-202.2. (Note: The expungement is only of the records in the criminal case, not those records in the juvenile court. See Code*, Criminal Procedure Article, §10-106.)

The case was compromised or dismissed pursuant to Code*, Criminal Law Article, §3-207, former Code*, Article 27, §12A-5, or former Code*, Article 10, §37 and three years have passed since disposition.

On or about _____, I was granted a full and unconditional pardon by the Governor for the one criminal act, not a crime of violence as defined in Code*, Criminal Law Article, §14-101(a), of which I was convicted. Not more than ten years have passed since the Governor signed the pardon, and since the date the Governor signed the pardon I have not been convicted of any crime**, and I am not now a defendant in any pending criminal action**.

WHEREFORE, I request the Court to enter an Order for Expungement of all police and court records pertaining to the above arrest, detention, confinement, and charges.

I solemnly affirm under the penalties of perjury that the contents of this Petition are true to the best of my knowledge, information, and belief, and that the charge to which this Petition relates was not made for any nonincarcerable violation of the Vehicle Laws of the State of Maryland, or any traffic law, ordinance, or regulation, nor it is part of a unit the expungement of which is precluded under Code*, Criminal Procedure Article, §10-107.

Signature of Attorney _____ Date _____

Signature of Defendant _____ Date _____

Name - Printed _____

Name - Printed _____

Address _____

Address _____

City, State, Zip _____ Telephone Number _____

City, State, Zip _____ Telephone Number _____

*References to "Code" in this Petition are to the Annotated Code of Maryland.

**References to "crime" and to "criminal action" in this Petition mean any criminal offense other than a violation of the vehicle or traffic laws, ordinances, or regulations not carrying a possible sentence of imprisonment.



VIRGINIA
LEGAL AID
SOCIETY

EXPUNGEMENTS and PARDONS OF CRIMINAL CHARGES

WHAT IS EXPUNGEMENT?

Expungement is a process where an individual who has been arrested and charged with a crime, but who was **NOT** convicted, can have police and court records of the arrest and charges sealed from public view. This does **NOT** mean the records are destroyed. The records are taken away from public view and can only be seen if the court gives permission (such as to a law enforcement officer).

WHO IS ENTITLED TO OBTAIN AN EXPUNGEMENT?

- A defendant in a criminal case who pleads “not guilty” and is then acquitted by a judge or jury.
- A person in a civil action who is charged with contempt of court, but is found not guilty.
- A defendant in a criminal case that the Commonwealth Attorney’s office decides not to prosecute (nolle prosequi) for all charges.
- A defendant charged with assault and battery or other misdemeanor for which the defendant could also be sued in a civil action, if the injured person states in writing s/he has received satisfaction for the injury and the case is dismissed.
- A person whose name or identification has been used without consent or authorization in a criminal case (identity theft).
- A defendant convicted of a crime who later receives an absolute pardon.

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HOW DO I OBTAIN AN EXPUNGEMENT?

In order to obtain an expungement, you will have to bring a court action (file a petition) in the circuit court for the jurisdiction where the charge(s) were made. If you have a mistaken identity conviction, the petition should be filed in the court where the case was decided (even if the case was heard in general district court or juvenile court). It is very difficult to obtain an expungement in Virginia, unless you fit the criteria above. Even if the judge is sympathetic to your reason for needing an expungement, the judge can only grant an expungement if your situation meets the requirements for an expungement.

You may always file the case without an attorney (“pro se”). Your circuit court may be able to provide you with the necessary forms for filing your petition; however the courts are not allowed to give you any legal advice about your case. You should seek advice from a private attorney to see whether you qualify for expungement.

IF I HAVE BEEN ACQUITTED OF A CRIMINAL CHARGE, AM I AUTOMATICALLY ENTITLED TO HAVE IT EXPUNGED?

No. You are then eligible to request that the court expunge the record, but the commonwealth’s attorney could object, and a judge will need to decide. If your application is a simple one where there have been no other convictions and the charge you were acquitted of was a misdemeanor, the judge will usually grant expungement except when the commonwealth’s attorney presents a very good reason why it should not be granted. If you have a felony charge or multiple charges, the burden is then on you to show it would be “manifest injustice” to you if the record(s) are not expunged. Basically, it is easier to get expungement if there is only one simple misdemeanor charge against you.

WHAT DOES “NOLLE PROSEQUI” MEAN AND CAN I GET MY CRIMINAL RECORD EXPUNGED IF THIS HAPPENED IN MY CASE?

You should be entitled to get your criminal record expunged in this situation. “Nolle prosequi” means that the commonwealth’s attorney decided not to prosecute the charges against you. Since guilt was not determined, you can then claim innocence.

CAN I GET MY CRIMINAL RECORD EXPUNGED IF I BELIEVE I WAS UNFAIRLY CONVICTED OF A CRIME?

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No. An expungement only applies to those found innocent or not convicted. An expungement does not apply to those who have been convicted of a crime, unless the conviction is later overturned or an absolute pardon is granted. Absolute pardons are granted only in rare cases by the governor.

IF I GOT A PLEA BARGAIN FOR MY CASE, CAN I GET MY CRIMINAL RECORD EXPUNGED?

Probably not. Usually a plea agreement is undertaken to settle a case where the person is guilty or in return for a lighter sentence or community service. You should see an attorney for more specific advice about your situation.

CAN I GET A CRIMINAL RECORD EXPUNGED IF I PLED “NOLO CONTENDERE” INSTEAD OF GUILTY?

No. A plea of “nolo contendere” (no contest) is not a guilty plea, however the courts have decided that it is not consistent with claiming to be innocent of the crime charged. The same holds true for an “Alford” plea, whereby the defendant maintains innocence, but concedes there is sufficient evidence to establish guilt. So, if you pled “nolo contendere” or entered an “Alford” plea, you cannot get those records expunged.

IF A CRIMINAL CHARGE AGAINST ME WAS DISMISSED, CAN I GET MY CRIMINAL RECORD EXPUNGED?

Maybe. A dismissal does not automatically mean that a person was innocent. Innocence is necessary for eligibility for expungement. Dismissal of the case simply means that the case is over and no longer active on the court’s docket. You should see an attorney for more specific advice about your situation.

IF I WAS UNDER 18 WHEN I WAS CONVICTED OF A CRIME, CAN I GET THE RECORD EXPUNGED?

Yes. Most juvenile records are expunged automatically once the person turns 19, if it has been 5 years since the date of the last hearing. However, if the juvenile was convicted of an act that would have been a felony if committed by an adult, the records are not automatically destroyed. DMV records regarding juveniles are destroyed when the person turns 29. A juvenile can apply for expungement earlier without waiting for the automatic process if s/he was the subject of a delinquency or traffic proceeding, was found innocent, or the proceeding was otherwise dismissed. Juveniles found guilty in circuit court of

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delinquency do not lose their civil rights and are not automatically disqualified from employment by state or local governmental agencies.

HOW DO I FIND OUT WHAT IS BEING LISTED ON MY CRIMINAL RECORD SO THAT I CAN DETERMINE WHETHER OR NOT I AM ELIGIBLE FOR AN EXPUNGEMENT?

In order to obtain your criminal record, you will have to complete a "Criminal History Record Check" application form. This application is available at your local police department and/or by contacting the Virginia State Police department. You can also complete the application via the internet. To obtain your criminal record, you have to send your application to:

Virginia State Police
Central Criminal Records Exchange
P. O. Box 85076
Richmond, VA 23261-5076

There is a \$15.00 - \$20.00 charge for obtaining your criminal record. This fee is subject to change. If you are requesting your criminal record by mail, please allow time for them to process your request.

CAN I GET ONLY PART OF MY CRIMINAL RECORD EXPUNGED?

Maybe. However, the more convictions in your history, the less likely you will be granted partial expungement. The more time that has passed since your last criminal charge was brought, the more sympathetic the judge may be to expunging a criminal charge for you. The criminal charge will still have to follow the rules of expungement, whereby you were found to be innocent and/or not convicted of the charges.

HOW CAN I GET MY CRIMINAL RECORD EXPUNGED IF I AM A VICTIM OF IDENTITY THEFT?

Identity theft is affecting more and more people every year. Sometimes victims have their identities stolen and crimes are committed in their names. Identity theft occurs when someone illegally uses your name, date of birth, Social Security number, and/or driver's license number.

Virginia has set up a special process for identity theft victims to correct criminal records that mistakenly cite identifying information that belongs to an innocent party. An identity theft victim can bring an expungement action in any court in which the criminal charge was

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made, even if it was a lower court (general district or juvenile). This is helpful, since other expungement applicants must file in circuit court which takes longer.

Once an order for expungement based upon mistaken identity is entered, you may submit a certified copy of the order to the attorney general's office so that an "identity theft passport" can be prepared. The identity theft passport may then be sent to DMV to correct any mistaken information there and to the state police department and other governmental agencies as needed.

IS THERE A SPECIAL WAY I CAN GET MY DMV RECORD CORRECTED WITHOUT GETTING A COURT EXPUNGEMENT?

Depending upon the nature of the mistaken information, DMV may agree to correct its listing without court action. However, if the record contains mistaken entries about alleged convictions in other states, you may have to contact the other state(s) to get them to make the corrections and then have them submit it to the Virginia DMV to correct the record. If you have a complicated issue in your transcript, it may be necessary to go to court for expungement first.

MAY I GET A FEDERAL CRIMINAL RECORD EXPUNGED?

Yes, however you will have to meet the criteria for eligibility. Federal law is similar to Virginia law on expungement of records. Relief is generally limited to persons who can claim innocence of criminal charges brought against them. Generally, granting expungement under federal law is very limited in scope and will not be available even for someone who has been pardoned by the president.

I HAVE OBTAINED A COPY OF MY CRIMINAL RECORD AND THERE ARE CHARGES LISTED THAT DO NOT BELONG TO ME OR THE INFORMATION IS LISTED FOR ANOTHER PERSON. HOW DO I CORRECT THIS INFORMATION?

In instances where it comes to an individual's attention that his/her name or other descriptive information is a matter of record in the Central Criminal Records Exchange (CCRE) and he/she is not the person of the record, then he/she may initiate a "challenge of a record." This process is accomplished by reporting this information to your local sheriff, police or State Police Headquarters and requesting to be fingerprinted for the purpose of challenging a criminal record.

It will be necessary for you to be fingerprinted after presenting a valid photo identification, such as a valid state issued drivers license and/or state issued identification card. The

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official taking the fingerprints must document on letterhead paper that he/she has reviewed the personal identification or photo identification and obtained the fingerprints.

This letter and the fingerprints are to be mailed to Manager, Central Criminal Records Exchange, Virginia State Police, P. O. Box 27472, Richmond, Virginia 23261-7472. Within 5 workdays, the individual that initiated the challenge will receive written confirmation of the fingerprint search results.

I AM NOT ABLE TO OBTAIN AN EXPUNGEMENT BUT THERE IS INCORRECT INFORMATION LISTED ON MY CRIMINAL RECORD. HOW DO I CORRECT MY CRIMINAL RECORD?

It is the policy of the Central Criminal Records Exchange (CCRE) to correct or otherwise modify a criminal record after receiving notification from the agency that sent the information for the record of the change to be initiated. When information is received that there is an error in the record, the CCRE staff will start an audit of the record and coordinate corrections or modifications directly with the contributing agency. The time to complete this process varies depending on how expeditiously CCRE is officially advised by the contributor that a change to a record is appropriate.

CCRE will not accept corrections or changes to a criminal record from sources other than the criminal justice agency (contributor) that submitted the record.

I AM HAVING A HARD TIME FINDING EMPLOYMENT BECAUSE OF MY CRIMINAL RECORD. IS THERE A WAY THAT I CAN HAVE MY RECORD EXPUNGED SO THAT I CAN FIND EMPLOYMENT?

Unless the convictions fall in the category for those that are eligible for expungements, you are not eligible to obtain an expungement. When applying for a job, take letters of reference from past employers and friends and attach them to your application. Be prepared to explain to any potential employer that you have stayed out of trouble since your last conviction. If there is a mistake on your criminal report and you are in the process of getting the information corrected, you may want to attach a copy of your criminal report and a certified court copy of the judge's disposition of the case to your application and explain to potential employers that there is a mistake on your criminal record and you are in the process of getting the record corrected.

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There is no federal or state law that prohibits employers from asking job applicants if they have ever been convicted of a criminal offense. Employers may legally consider an applicant's conviction(s) in making hiring decisions but they cannot discriminate against someone on the basis of their sex, race, age (40 and over), gender, disability, national origin, and religion. If an applicant provides false information about his/her criminal history in an interview or on an application, that can also be grounds for the employer to deny employment or terminate the individual.

Applicants should also be aware that certain employers are legally entitled to obtain copies of applicants' and employees' criminal history records from Virginia's Central Criminal Records Exchange. Federal, state and local governmental agencies, including the Commonwealth of Virginia, are entitled to obtain these records. In addition, some health care professions require that in order to be licensed the applicant cannot have any felony convictions.

WHAT IS A "PARDON" AND HOW CAN I GET ONE?

You may want to petition the governor for a "Simple Pardon". A simple pardon is granted by the governor on behalf of the Commonwealth and declares that a person convicted of a crime has been officially forgiven for that crime. While it does not expunge or remove the conviction from the record, a notation will appear on the person's criminal record stating that the crime has been forgiven.

To petition for a simple pardon the applicant must be free of all conditions set by the court for a period of five years. If any felonies were involved, the applicant must have applied for and been granted a Restoration of Civil Rights before petitioning for the simple pardon. If these conditions have all been met, the applicant must then include the following information in a letter to the governor:

- Full name and any previous names and aliases;
- Social Security number;
- Date of birth;
- Mailing and street address;
- Phone numbers;
- Dates regarding court appearances and convictions, sentences, or other dispositions of all misdemeanor and felony convictions;
- A complete statement regarding the details for each conviction; and
- An explanation of why the governor should grant a pardon.

The letter that is sent to the governor serves as the official petition; there is no official form that needs to be filled out. The applicant needs to provide all the relevant information that they wish to have considered. The petition process does not include any hearing, meeting or conference with the petitioner or persons on the petitioner's behalf.

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A petition for a simple pardon, after being received by the governor's office, is sent to the Secretary of the Commonwealth, which is the office responsible for processing the petition. The Virginia Parole Board is usually asked to investigate and make recommendations to the Secretary and the governor. If the Board finds a petition has merit, it will conduct a thorough investigation. These investigations may take as long as a year to complete. If a petition is denied, another petition cannot be filed for two years after the date of the denial.

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Legal advice is dependent upon the specific circumstances of each situation. Therefore, the information contained in this pamphlet cannot replace the advice of competent legal counsel.

*Free Legal information by Web and Phone: www.vlas.org
1-866-LegalAid (534-5243)*

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USING THIS FORM

1. Copies

- a. Original – to court.
- b. Copy – arrange to have served on Commonwealth’s Attorney in the county or city in which the petition is filed.

2. Attachments

- a. Copy of order of acquittal or dismissal.
- b. Copy of warrant(s) or indictment(s) for the charge(s) you seek to have expunged.
- c. Completed circuit court form CC-1416, Cover Sheet for Filing Civil Actions, if required by the clerk.

3. Preparation Details

- a. Data Element Nos. 1-19 prepared by the petitioner or the attorney for the petitioner.
- b. Data Element Nos. 20-23 prepared by the clerk of court or deputy clerk, who will also provide or complete the case number if unknown to the petitioner (Data Element No. 1).
- c. Data Element No. 24 is provided for the use of the petitioner.

See circuit court form CC-1473 INST, Instructions for Petition for Expungement Filed in a Circuit Court – Acquittal/Dismissal (Page 4 of these instructions), for additional information.

PETITION FOR EXPUNGEMENT FILED IN A CIRCUIT COURT – ACQUITTAL/DISMISSAL Commonwealth of Virginia

Case No. 1

2 Circuit Court CITY OR COUNTY

3 STREET ADDRESS OF COURT

4 v. Commonwealth of Virginia NAME OF PETITIONER

1. This petition to expunge the police and court records, including electronic records, relating to the charge(s) detailed in Part 2 (below) is based on subsection A of § 19.2-392.2, as the petitioner was charged with the commission of a crime or offense AND (CHECK ONE)

- 5 [] has been acquitted of the charge. [] a nolle prosequi of the charge has been taken or the charge has been otherwise dismissed, including dismissal by accord and satisfaction pursuant to Virginia Code Section 19.2-151.

2. I further state that: Petitioner’s date of birth is: 6 Petitioner’s full name at the time of arrest: 7 Specific charge(s) to be expunged: 8

9 [] A copy of the warrant or indictment is attached to this petition. Underlying Case No.(s) 10 Date of arrest: 11 Name of arresting agency: 12

13 [] A copy of the warrant or indictment [] date of arrest or name of arresting agency is not reasonably available because (state reason this information is not available): 13

Date of final disposition of charge(s): 14 Court disposing of charge(s): 15

The continued existence and possible dissemination of information relating to the arrest of the petitioner causes or may cause circumstances which constitute a manifest injustice to the petitioner. For this reason, I request that the police and court records, including electronic records, relating to the charge(s) be expunged and that a copy of any order of expungement be forwarded to the Department of State Police pursuant to subsection K of § 19.2-392.2.

16 DATE 17 SIGNATURE OF [] PETITIONER [] ATTORNEY FOR PETITIONER

18 PRINT NAME

19 ADDRESS/TELEPHONE NUMBER OF [] PETITIONER [] ATTORNEY FOR PETITIONER

23 [] I certify that I provided the petitioner a certified copy of this petition. Hearing date and time: 20

22 DATE 21 CLERK

- 24 Checklist for petitioner: [] File completed PETITION FOR EXPUNGEMENT FILED IN A CIRCUIT COURT – ACQUITTAL/DISMISSAL in the circuit court of the county or city in which the charge(s) was disposed of, together with all applicable fees and costs and, if required by the clerk of the court, a completed COVER SHEET FOR FILING CIVIL ACTIONS, circuit court form CC-1416. [] Obtain one complete set of fingerprints from a law-enforcement agency and provide a copy of this petition to such law-enforcement agency. [] Have a copy of this petition served on the Commonwealth’s Attorney in the county or city in which the PETITION FOR EXPUNGEMENT FILED IN A CIRCUIT COURT – ACQUITTAL/DISMISSAL is filed.

DATA ELEMENTS

1. Court case number.
2. Court name.
3. Street address of court.
4. Name of petitioner.
5. Check the applicable box.
6. Insert date of birth of petitioner.
7. Insert full name of petitioner at the time of arrest.
8. List criminal charge(s) petitioner seeks to have expunged.
9. Check box if a copy of the warrant or indictment is attached.
10. Insert court case number(s) associated with the charges sought be expunged.
11. Insert date of arrest for the charge(s) sought to be expunged.
12. Insert name of arresting agency.
13. Check applicable box(es) if the information indicated is not available and state the reason the information is not available on the blank lines.
14. Insert date of final disposition of charge(s) sought to be expunged.
15. Insert name of court disposing of charge(s).
16. Insert date petition is signed.
17. Signature of petitioner or attorney for petitioner. Check applicable box under the line.
18. Print name of individual signing the petition.
19. Insert address and telephone number of individual signing the petition and check applicable box under the line.
20. Clerk of court or deputy clerk insert hearing date and time.
21. Signature of clerk or deputy clerk.
22. Insert date of clerk or deputy clerk signature.
23. Clerk of court or deputy clerk check box.
24. Petitioner may use the check boxes to indicate the steps completed.

**INSTRUCTIONS FOR PETITION FOR EXPUNGEMENT
FILED IN A CIRCUIT COURT – ACQUITTAL/DISMISSAL**

Virginia Code § 19.2-392.2, relating to the expungement of police and court records, provides in pertinent part as follows:

- Pursuant to § 19.2-392.2 A, a person charged with the commission of a crime may file a petition setting forth the relevant facts and requesting expungement of the police records and the court records relating to the charge IF one of the following is true:
 1. The person is acquitted, or
 2. A nolle prosequi is taken or the charge is otherwise dismissed, including dismissal by accord and satisfaction pursuant to § 19.2-151.
 3. The person is granted an absolute pardon for the commission of a crime for which he has been unjustly convicted.
- Pursuant to § 19.2-392.2 C, the petition with a copy of the warrant or indictment if reasonably available shall be filed in the circuit court of the county or city in which the case was disposed of by acquittal or being otherwise dismissed and shall contain, except where not reasonably available:
 1. The date of arrest and the name of the arresting agency. Where this information is not reasonably available, the petition shall state the reason for such unavailability;
 2. A statement of the specific criminal charge to be expunged;
 3. The date of final disposition of the charge as set forth in the petition;
 4. The petitioner's date of birth; and
 5. The full name used by the petitioner at the time of arrest.
- Pursuant to § 19.2-392.2 D, the petitioner must have a copy of the petition served on the attorney for the Commonwealth of the city or county in which the petition is filed. The attorney for the Commonwealth may file an objection or answer to the petition within twenty-one days after it is served on him.
- Pursuant to § 19.2-392.2 E, the petitioner shall obtain from a law-enforcement agency one complete set of the petitioner's fingerprints and shall provide that agency with a copy of the petition for expungement. The law-enforcement agency shall submit the set of fingerprints to the Central Criminal Records Exchange (CCRE) with a copy of the petition for expungement attached. The CCRE shall forward under seal to the court a copy of the petitioner's criminal history, a copy of the source documents that resulted in the CCRE entry that the petitioner wishes to expunge, and the set of fingerprints. Upon completion of the hearing, the court shall return the fingerprint card to the petitioner.
- Circuit court form CC-1473, PETITION FOR EXPUNGEMENT FILED IN A CIRCUIT COURT – ACQUITTAL/DISMISSAL, may be completed and filed by the petitioner in the appropriate circuit court according to these instructions. A completed COVER SHEET FOR FILING CIVIL ACTIONS, circuit court form CC-1416, also may be required by the clerk of the court. Pursuant to § 19.2-392.2 J, costs shall be as provided by § 17.1-275, but shall not be recoverable against the Commonwealth.
- Different procedures for expungement may apply to a petition or motion filed pursuant to § 19.2-392.2 B or § 19.2-392.2 H.

When a person has been granted an absolute pardon for the commission of a crime that the person did not commit, the person may file circuit court form CC-1472, PETITION FOR EXPUNGEMENT FILED IN A CIRCUIT COURT – ABSOLUTE PARDON, in the circuit court of the county or city in which the conviction occurred.