

MOTION FOR EXPUNGEMENT

NOW INTO COURT comes mover, who provides the court with the following information in connection with this request:

I. DEFENDANT INFORMATION

NAME: _____

(Last Name)(First Name)(Middle Initial)

DOB: ____/____/____ (MM/DD/YYYY)

GENDER _____ Female _____ Male

SSN (last 4 digits): XXX-XX-_____

RACE: _____

DRIVER LIC.# _____

ARRESTING AGENCY: _____

SID# (if available): _____

ARREST NUMBER (ATN): _____

AGENCY ITEM NUMBER: _____

Mover is entitled to expunge the record of his arrest/conviction pursuant to Louisiana Code of Criminal Procedure 971 et seq. and states the following in support:

II. ARREST INFORMATION

1. Mover was arrested on ____/____/____ (MM/DD/YYYY)

2. YES NO A supplemental sheet with arrests and/or convictions is attached after page 2 of this Motion.

3. Mover was:

YES NO Arrested, but it did not result in conviction

YES NO Convicted of and seeks to expunge a misdemeanor

YES NO Convicted of and seeks to expunge a felony

4. Mover was booked and/or charged with the following offenses: (List each offense booked and charged separately. **Please number each item numerically beginning with Number 1.** Attach a supplemental sheet, if necessary.)

Yes No

ARRESTS THAT DID NOT RESULT IN CONVICTION

ITEM NO. _____

La. Rev. Stat. Ann. § _____ : _____

Name of the offense _____

Time expired for prosecution ____/____/____ (MM/DD/YYYY)

Not prosecuted for any offense arising out of this charge

Pre-trial Diversion Program

DWI Pre-Trial Diversion Program and 5 years have elapsed since the date of arrest

Charge dismissed

Found not guilty/judgment of acquittal

ITEM NO. _____

La. Rev. Stat. Ann. § _____ : _____

Name of the offense _____

Time expired for prosecution ____/____/____ (MM/DD/YYYY)

Not prosecuted for any offense arising out of this charge

Pre-trial Diversion Program

DWI Pre-Trial Diversion Program and 5 years have elapsed since the date of arrest

Charge dismissed

Found not guilty/judgment of acquittal

ITEM NO. _____La. Rev. Stat. Ann. § _____ : _____
Name of the offense _____

Time expired for prosecution ____/____/____ (MM/DD/YYYY)
Not prosecuted for any offense arising out of this charge
Pre-trial Diversion Program
DWI Pre-Trial Diversion Program and 5 years have elapsed since the date of arrest
Charge dismissed
Found not guilty/judgment of acquittal

YesNo

MISDEMEANOR CONVICTIONS

ITEM NO. _____La. Rev. Stat. Ann. § _____ : _____
Name of the offense _____

Conviction set aside/dismissed ____/____/____ **PENDING**
Pursuant to C.Cr.P. Art. 894(B) (MM/DD/YYYY)
More than 5 years have passed since complete of sentence.

ITEM NO. _____La. Rev. Stat. Ann. § _____ : _____
Name of the offense _____

Conviction set aside/dismissed ____/____/____
Pursuant to C.Cr.P. Art. 894(B) (MM/DD/YYYY)
More than 5 years have passed since complete of sentence.

YesNo

FELONY CONVICTIONS

ITEM NO. _____La. Rev. Stat. Ann. § _____ : _____
Name of the offense _____

Conviction set aside/dismissed ____/____/____
Pursuant to C.Cr.P. Art. 893(E) (MM/DD/YYYY)
More than 5 years have passed since complete of sentence.

ITEM NO. _____La. Rev. Stat. Ann. § _____ : _____
Name of the offense _____

Conviction set aside/dismissed ____/____/____
Pursuant to C.Cr.P. Art. 894(B) (MM/DD/YYYY)
More than 5 years have passed since complete of sentence.

YesNo

OPERATING A MOTOR VEHICLE WHILE INTOXICATED CONVICTIONS

Mover has attached the following:

A certified letter of compliance in accordance with C.Cr.P. Art. 984 from the Department of Public Safety and Corrections, office of motor vehicles that it has received from the clerk of court a certified copy of the record of the plea, fingerprints of the defendant, and proof of the requirements set forth in C.Cr.P.Art. 556, which shall include the defendant's date of birth, last four digits of social security number, and driver's license number

5. Mover has attached to this Motion the following pertinent documents:
- Criminal Background Check from the La. State Police/Parish Sheriff dated within the past 30 days (required).
- Bill(s) of Information (if any).
- Minute entry showing final disposition of case (if any).
- Certification Letter from the District Attorney for fee waiver (if eligible).
- Certification Letter from the District Attorney verifying that the applicant has no convictions or pending applicable criminal charge in the requisite time periods.
- Certification Letter from the District Attorney verifying that the charges were refused.
- Certification Letter from the District Attorney verifying that the applicant did not participate in a pretrial diversion program.
- A copy of the order waiving the sex offender registration and notification requirements.

Yes No Mover was arrested with another individual.

The Mover prays that if there is no objection timely filed by the arresting law enforcement agency, the district attorney's office, or the Louisiana Bureau of Criminal Investigation and Information, that an order be issued herein ordering the expungement of the record of arrest and/or conviction set forth above, including all photographs, fingerprints, disposition, or any other such information, which record shall be confidential and no longer considered a public record, nor be made available to other persons, except a prosecutor, member of a law enforcement agency, or a judge who may request such information in writing, certifying that such request is for the purpose of prosecuting, investigating, or enforcing the criminal law, for the purpose of any other statutorily defined law enforcement or administrative duties, or for the purpose of the requirements of sex offender registration and notification pursuant to the provisions of R.S. 15:541, et seq. or as an order of this Court to any other person for good cause shown, or as otherwise authorized by law.

If an "Affidavit of No Opposition" by each agency named herein is attached hereto and made a part hereof, Defendant requests that no contradictory hearing be required and the Motion be granted ex parte.

Respectfully submitted,

Signature of Attorney for Mover/Defendant

Print Name of Attorney

Attorney's Bar Roll No.

Address

City, State, ZIP Code

Telephone Number

If not represented by counsel:

Signature of Mover/Defendant

Print Name

Address

City, State, ZIP Code

Telephone Number

STATE OF LOUISIANA

NO. _____ DIV _____

_____ JUDICIAL DISTRICT COURT

VERSUS

PARISH OF _____

_____ STATE OF LOUISIANA

ORDER

IT IS HEREBY ORDERED,

If there is an objection to the Motion for Expungement, the district attorney and the arresting law enforcement agency shall file a motion to object within sixty days of the service of this Order.

If the Louisiana Bureau of Criminal Identification and Information objects to the Motion for Expungement, they shall file a motion within 60 days of service of this order

NO CONTRADICTORY HEARING SHALL BE REQUIRED as evidenced by the "Affidavit of No Opposition" executed by each agency named herein and attached to the Motion for Expungement.

THUS ORDERED AND SIGNED this _____ day of _____,
20 ____ at _____, Louisiana, _____.

JUDGE

Print Name

PLEASE SERVE THE FOLLOWING:

- 1) District Attorney: _____
(Name and Address)
- 2) LA Bureau of Criminal Identification and Information: Louisiana State Police,
Superintendent of Records, 7919 Independence Blvd., Baton Rouge, LA 70806
- 3) Arresting Agency: _____
(Name and Address)

CERTIFICATE OF SERVICE

Pursuant to LA CCrP Article 979, I hereby certify that I have served the foregoing Motion for Expungement, Affidavit of Response and Order to the named entities as listed above on this _____ day of _____, 20_____, by:

Placing in U.S. Mail

Electronic Transmission

Deputy Clerk of Court

Parish of _____

STATE OF LOUISIANA

NO. case number DIV division

JUDICIAL DISTRICT COURT

VERSUS

PARISH OF your parish

your name

STATE OF LOUISIANA

AFFIDAVIT OF RESPONSE

Pursuant to Louisiana Code of Criminal Procedure Article 980, the District Attorney for the Parish of _____ acknowledges the following:

No Opposition. Respondent respectfully consents to waiver of the contradictory hearing.

Opposition to the Motion of Expungement with Reasons. Respondent respectfully requests a contradictory hearing.

OR

Pursuant to Louisiana Code of Criminal Procedure Article 980, the Louisiana Bureau of Criminal Identification and Information acknowledges the following:

No Opposition. Respondent respectfully consents to waiver of the contradictory hearing.

Opposition to the Motion of Expungement with Reasons. Respondent respectfully requests a contradictory hearing.

OR

Pursuant to Louisiana Code of Criminal Procedure Article 980, the arresting law enforcement agency _____ acknowledges the following:

No Opposition. Respondent respectfully consents to waiver of the contradictory hearing.

Opposition to the Motion of Expungement with Reasons. Respondent respectfully requests a contradictory hearing.

Respectfully submitted,

Signature of District Attorney

Print Name

Signature of Louisiana Bureau of Criminal
Identification and Information

Print Name

Signature of the Arresting Law Enforcement
Agency

Print Name

ORDER OF EXPUNGEMENT OF ARREST/CONVICTION RECORD

Considering the Motion for Expungement

The hearing conducted and evidence adduced herein, OR

Affidavits of No Opposition filed,

IT IS ORDERED, ADJUDGED AND DECREED

THE MOTION IS DENIED for Item(s) No. _____
the following reasons (check all that apply):

More than five years have not elapsed since Mover completed the misdemeanor conviction sentence.

More than ten years have not elapsed since Mover completed the felony conviction sentence.

Mover was convicted of one of the following ineligible felony offenses:

A violation of the Uniform Controlled Dangerous Substances Law which is ineligible to be expunged.

An offense currently listed as a sex offense that requires registration pursuant to La. Rev. Stat. Ann. 15:540 et seq., at the time the Motion was filed, regardless of whether the duty to register was ever imposed.

An offense defined or enumerated as a "crime of violence" pursuant to La. Rev. Stat. Ann. 14:2(B) at the time the motion was filed.

The arrest and conviction being sought to have expunged is for operating a motor vehicle while intoxicated and a copy of the proof from the Department of Public Safety and Corrections, office of motor vehicles, is not attached as required by C.Cr.P. Art. 984(A).

Mover has had another record of misdemeanor conviction expunged during the previous five-year period.

The record of arrest and conviction which Mover seeks to have expunged is for operating a motor vehicle while intoxicated and Mover has had another record of arrest and misdemeanor conviction expunged during the previous ten-year period.

Mover has had another record of felony conviction expunged during the previous fifteen-year period.

Mover was convicted of a misdemeanor which arose from circumstances involving or is the result of an arrest for a sex offense as defined in R.S. 15:541.

Mover was convicted of a domestic abuse battery.

Mover was convicted of misdemeanor stalking as defined in R.S. 14:40.2

Mover did not complete pretrial diversion.

The charges against the mover were not dismissed or refused.

Mover's felony conviction was not set aside and dismissed pursuant to Code of Criminal Procedure Article 893(E).

THUS ORDERED AND SIGNED this _____ day of _____, 20 ____
at _____, Louisiana.

JUDGE

Print Name

PLEASE SERVE THE FOLLOWING:

1. District Attorney: _____
(Name and Address)
2. Louisiana Bureau of Criminal Identification and Information: Louisiana State Police, Superintendent of Records, 7919 Independence Blvd., Baton Rouge, LA 70806
3. Arresting Agency: _____
(Name and Address)
4. Sheriff: _____
(Name and Address)
5. Attorney for Defendant (or defendant): _____

(Name and Address)
6. Clerk of Court: _____
(Name and Address)

CERTIFICATE OF SERVICE

Pursuant to LA CCrP Article 979, I hereby certify that I have served the foregoing Order of Expungement to the named entities as listed above on this _____ day of _____, 20_____, by:

Placing in U.S. Mail

Electronic Transmission

Deputy Clerk of Court

Parish of _____