

NO. _____

EX PARTE * IN THE MUNICIPAL COURT
* OF THE CITY OF DALLAS
* DALLAS COUNTY, TEXAS

PETITIONER (Print full name)

ORDER GRANTING EXPUNCTION

On the ____ day of _____, 20__, came to be heard Petitioner’s Petition for Expunction. The Court finds Petitioner is entitled to an expunction pursuant to Article 55.01(a) of the Texas Code of Criminal Procedure.

I.

Petitioner has the following description:

Name: _____
Sex: _____
Race: _____
Date of Birth: _____
Driver’s License Number: _____
Social Security Number: _____
Address at Time of Arrest: _____
Current Mailing Address: _____

IIa.

Petitioner is entitled to expunction of the following _____ County arrest:

Offense: _____
Offense Date: _____
Arrest Date: _____
Case Number: _____
Court of Offense: _____
Arresting Agency: _____

City of Arrest: _____

County of Arrest: _____

Tracking Incident Number (TRN): _____

[] A copy of the judgment in the underlying case is attached and incorporated by reference herein.

The Court finds that no indictment, information, or complaint was presented against Petitioner for an offense arising out of the transaction for which Petitioner was arrested or, if an indictment, information or complaint was presented, the indictment, information, or complaint was for a charge resulting in a fine only offense has been dismissed or quashed, and the statute of limitations has run or the Petitioner was tried and acquitted for the offense or, the presentment was 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.

The Court further finds Petitioner has been released and the charge, if any, has not resulted in a final conviction and is no longer pending, and there was no court-ordered community supervision under Article 42.12 of the Code of Criminal Procedure for any offense other than a Class C misdemeanor.

I**b.**

Petitioner is entitled to expunction of the following _____ County arrest:

Offense: _____

Offense Date: _____

Arrest Date: _____

Case Number: _____

Court of Offense: _____

Arresting Agency: _____

City of Arrest: _____

County of Arrest: _____

Tracking Incident Number (TRN): _____

[] A copy of the judgment in the underlying case is attached and incorporated by reference herein.

The Court finds that no indictment, information, or complaint was presented against Petitioner for an offense arising out of the transaction for which Petitioner was arrested or, if an indictment, information or complaint was presented, the indictment, information, or complaint was for a charge resulting in a fine only offense has been dismissed or quashed, and the statute of limitations has run or the Petitioner was tried and acquitted for the offense or, the presentment

was 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.

The Court further finds Petitioner has been released and the charge, if any, has not resulted in a final conviction and is no longer pending, and there was no court-ordered community supervision under Article 42.12 of the Code of Criminal Procedure for any offense other than a Class C misdemeanor.

III.

The respondents have been served with a copy of the Petition as required by law. Petitioner appeared [] in person [] by counsel. An Assistant City Attorney appeared on behalf of the Dallas City Attorney's Office.

Respondents are:

Dallas Municipal Court and Detention Services
Attn: Expunctions
2014 Main Street
Dallas, TX 75201

Dallas County Sheriff's Dept.
Frank Crowley Courts Building
133 N. Riverfront Blvd., #31
Dallas, TX 75207

Dallas Police Department
1400 S. Lamar St.
Dallas, TX 75215

Dallas City Attorney
Prosecution Division
2014 Main Street
Dallas, TX 75021

Dallas County Jail
Lew Sterrett Justice Center
111 W. Commerce Street
Dallas, TX 75207

Dallas Marshal's Office
City Detention Center
1600 Chestnut
Dallas, TX 75226

Texas Department of Public Safety
Attn: Expunctions
P.O. Box 4143
Austin, Texas 78765-4143
Individually and for the Federal Bureau of Investigation

Other Agency: _____

Mailing Address: _____

Other Agency: _____

Mailing Address: _____

Texas Department of Public Safety
Crime Records Division – MSC 0234
Post Office Box 4143
Austin, Texas 78765-4143
Individually and for any entity that purchases criminal history record information from the DPS in accordance with Tex. Code Crim. Proc. Ann. § 3(c-2); including, but not limited to PublicData.com and criminalhistoryrecord.com

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

IV.

IT IS THEREFORE ORDERED that all records and files pertaining to the arrest(s) granted herein be expunged. Related arrests (same or similar charge, date, or arresting agency) not specifically listed herein are excluded from this expunction order. However, records of such unexpunged arrests, which would not have been generated except for the expunged arrest, shall be expunged.

The phrase “all records and files pertaining to the arrest” includes records and files that were generated by respondents during this expunction proceeding, including the copies of the Petition and of this order, which are served on each respondent. However, the phrase “all records and files pertaining to the arrest” does not include records and files that were generated during the investigation of the crime for which Petitioner was arrested, but before the arrest took place, and that do not indicate that the arrest ever took place.

The phrase “all records and files pertaining to the arrest” does not include records relating to the

suspension or revocation of a driver's license, permit, or privilege to operate a motor vehicle except as provided in Section 524.015 and Section 724.048 of the Texas Transportation Code.

V.

Records and files pertaining to the arrest shall be expunged by turning them in to the Clerk of this Court, in a sealed envelope, by hand delivery or by mail to:

Court and Detention Services
Dallas Municipal Court
2014 Main St.
Dallas, TX 75201-4406

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, liquid paper, or other opaque substance) only insofar as they pertain to this arrest. A photocopy of such records, partially obliterated, shall be forwarded to the District Clerk as specified in the paragraph above.

Each respondent shall attach a certificate to the sealed envelope, certifying that these are all the expunged records; and the Department of Public Safety shall also certify that it has requested the FBI and all other central depositories to return all records and files subject to the order of expunction.

If returning records expunged by this order is impracticable, records pertaining to this arrest may be expunged by the record keeping agency obliterating or destroying the records as they apply to this arrest. The agency shall then send a certificate to the District Clerk's Office certifying that the records have been destroyed.

VI.

The clerk shall certify when the order is final and shall mail certified copies of it:

By ordinary first-class mail to Petitioner; and

By certified mail, return receipt requested, to all other respondents, or

The order must be sent by secure electronic mail, electronic submission or facsimile submission.

No respondent shall comply with this order until it has been thus served.

[] The State has established that the law enforcement agency and the prosecuting attorney need to maintain records of this offense as allowed by Article 55.02, Section 4 of the Texas Code of Criminal Procedure and it is so ORDERED that the _____ (law enforcement agency) and the _____ (prosecuting attorney) may keep records of this offense until _____.

Court and Detention Services shall maintain any and all records returned pursuant to this order in a manner not subject to public view and destroy all records, including the expunction file, not earlier than the 60th day after the date the order of expunction is issued or later than the first anniversary of that date unless the records were released to Petitioner. Destruction of any records pursuant to this order must comply with the procedures in Article 55.02, Section 5 of the Texas Code of Criminal Procedure.

Court and Detention Services shall certify to the Court the destruction of any records returned pursuant to this order.

All relief not expressly granted herein is hereby DENIED.

SIGNED AND ENTERED this the _____ day of _____, 20____.

JUDGE PRESIDING

APPROVED AS TO FORM

Assistant City Attorney
City of Dallas, Texas

CERTIFICATE OF FINALITY

I, _____, of Court and Detention Services for the City of Dallas, Texas, do hereby certify that I have custody of the official records of [Defendant] in the City of Dallas. After conducting a diligent search, no record or entry of any instrument filed within thirty days after the date of signing of the foregoing Order is found to exist in the records of my office pertaining to the above-styled and numbered cause.

WITNESS my hand and seal of office on this _____ day of _____, 20_____.

Court and Detention Services
Dallas, Texas

By: _____
Clerk