

NO. EX \_\_\_\_\_

EX PARTE

\*

IN THE MUNICIPAL COURT

\*

OF THE CITY OF DALLAS

\*

DALLAS COUNTY, TEXAS

\_\_\_\_\_  
PETITIONER (Print full name – first, middle, last)

### **ORDER GRANTING EXPUNCTION**

On the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, came to be heard Petitioner's Petition for Expunction. Petitioner appeared [ ] in person [ ] by counsel. An Assistant City Attorney appeared on behalf of the Dallas City Attorney's Office. The Court finds Petitioner is entitled to an expunction pursuant to Chapter 55A of the Texas Code of Criminal Procedure.

**1. Petitioner has the following description:**

Name: \_\_\_\_\_

Sex: \_\_\_\_\_

Race: \_\_\_\_\_

Date of Birth: \_\_\_\_\_

Driver's License State & Number: \_\_\_\_\_

Social Security Number: \_\_\_\_\_

Address at Time of Arrest: \_\_\_\_\_

**2a. Petitioner is entitled to expunction of the following offense/arrest/citation:**

Offense: \_\_\_\_\_

Offense Date: \_\_\_\_\_

Arrest Date: \_\_\_\_\_

Arresting Agency: \_\_\_\_\_

Case Number: \_\_\_\_\_

Court of Offense: \_\_\_\_\_

Uniform Incident Fingerprint Card Number: \_\_\_\_\_

[ ] A copy of the judgment of acquittal is attached and incorporated by reference herein.

**2b. Petitioner is entitled to expunction of the following offense/arrest/citation:**

Offense: \_\_\_\_\_

Offense Date: \_\_\_\_\_

Arrest Date: \_\_\_\_\_

Arresting Agency: \_\_\_\_\_

Case Number: \_\_\_\_\_

Court of Offense: \_\_\_\_\_

Uniform Incident Fingerprint Card Number: \_\_\_\_\_

☐ A copy of the judgment of acquittal is attached and incorporated by reference herein.

**2c. Petitioner is entitled to expunction of the following offense/arrest/citation:**

Offense: \_\_\_\_\_

Offense Date: \_\_\_\_\_

Arrest Date: \_\_\_\_\_

Arresting Agency: \_\_\_\_\_

Case Number: \_\_\_\_\_

Court of Offense: \_\_\_\_\_

Uniform Incident Fingerprint Card Number: \_\_\_\_\_

☐ A copy of the judgment of acquittal is attached and incorporated by reference herein.

**3. Respondents are:**

**3.1 Dallas City Attorney's Office for itself and the following agencies:**

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

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

3.2 Arresting Agency: \_\_\_\_\_  
(police department, sheriff's department, marshal or constable office)

Mailing Address: \_\_\_\_\_  
\_\_\_\_\_

E-mail Address: \_\_\_\_\_

3.3 Detention Facility:

☐ Dallas County Jail  
Lew Sterrett Justice Center  
111 W. Commerce Street  
Dallas, TX 75207  
DCDAExpunctions@dallascounty.org

Other Detention Facility: \_\_\_\_\_

Mailing Address: \_\_\_\_\_  
\_\_\_\_\_

Email Address: \_\_\_\_\_

3.4 Other Respondents

Other Agency: \_\_\_\_\_

Mailing Address: \_\_\_\_\_  
\_\_\_\_\_

Email Address: \_\_\_\_\_

Other Agency: \_\_\_\_\_

Mailing Address: \_\_\_\_\_  
\_\_\_\_\_

Email Address: \_\_\_\_\_

Other Agency: \_\_\_\_\_

Mailing Address: \_\_\_\_\_  
\_\_\_\_\_

Email Address: \_\_\_\_\_

3.5 Texas Department of Public Safety

Attn: Expunctions (Crime Records Division – MSC-0234)

P.O. Box 4143

Austin, Texas 78765-4143

expunctions@dps.texas.gov

*Individually and for the Federal Bureau of Investigation*

3.6 Texas Department of Criminal Justice – CJAD

Attn: CSTS Administrator

209 W. 145h St., Suite 400

Austin, TX 78701

CJAExpunctions@tdcj.texas.gov

3.7 Office of Court Administration

Attn: Efile & ReSearch TX

205 W. 14<sup>th</sup> St., Suite 600

Austin, TX 78701-1614

ocaexpunctions@txcourts.gov

3.8 Private Entities

In accordance with Article 55A.352 of the Texas Code of Criminal Procedure, the Texas Department of Public Safety shall provide notice of this order to any private entity that purchases criminal history record information from the Department or that is named in this order. The notice must include an explanation of the effect of the order and a request that the entity must destroy any information in its possession that is subject to the order.

3.8(a) PublicData.com

3.8(b) Appriss Operations Center

Attn: VINELink

10401 Linn Station Road

Louisville, Kentucky 40223

3.8(c) \_\_\_\_\_

3.9 Service to Federal Bureau of nvestigation

In accordance with Article 55A.352 of the Texas Code of Criminal Procedure, the Texas Department of Public Safety shall forward the final order emanating from this proceeding to the Federal Bureau of Investigation.

**4. Service to Respondents**

The Court finds that Respondents have been served with a copy of the petition as required by law.

## 5. Scope of Expunction

IT IS THEREFORE ORDERED that all records and files pertaining to the arrest(s) set out in this order be expunged *unless this order permits retention of records pursuant to Article 55A.302(c) of the Texas Code of Criminal Procedure*. Except as specified in paragraph 5a below, the release, maintenance, dissemination, or use of the expunged records and files for any purpose is prohibited.

5a. The Court makes the following findings, if checked:

☐ The Court finds that Petitioner is still subject to conviction for an offense arising out of the transaction for which Petitioner was arrested because the statute of limitations has not run and there is reasonable cause to believe the State may proceed against Petitioner. The law enforcement agency and the prosecuting attorney may retain any records and files that are necessary to the investigation. Unless Petitioner is again arrested for or charged with an offense arising out of the transaction for which Petitioner was arrested, the release, maintenance, dissemination, or use of the expunged records and files is prohibited. Tex. Code Crim. Proc. art. 55A.302(a),(b).

OR

☐ The Court finds that Petitioner is entitled to an expunction based on Article 55A.052(a)(1)-(3) of the Texas Code of Criminal Procedure, but without the certification of the prosecuting attorney as described in Article 55A.052(a)(4). The law enforcement agency and the prosecuting attorney may retain any records and files related to the arrest subject to this order. Tex. Code Crim. Proc. art. 55A.302(c).

OR

☐ The Court finds that the records and files are necessary to conduct a subsequent investigation and prosecution of a person other than Petitioner. The law enforcement agency and the prosecuting attorney may retain any records and files related to the arrest subject to this order. Tex. Code Crim. Proc. art. 55A.302(b)(2)(A).

OR

☐ The Court finds that the records and files are necessary for use in another criminal case, including a prosecution, motion to adjudicate or revoke community supervision, parole revocation hearing, mandatory supervision revocation hearing, punishment hearing, or bond hearing; or a civil case, including a civil suit or suit for possession of or access to a child. The law enforcement agency and the prosecuting attorney may retain any records and files related to the arrest subject to this order. Tex. Code Crim. Proc. art. 55A.302(b)(2)(B).

**6. Records of the Expunction Proceeding**

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.

**7. Limitation on Driver’s License Suspension or Revocation**

In accordance with Article 55A.152 of the Texas Code of Criminal Procedure, 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.

**8. Compliance with Order**

This order shall be complied with as follows:

**8.1 Each official, agency, or other governmental entity named in this order shall:**

- (1) return all records and files that are subject to this expunction order to the Court or, if removal is impracticable, obliterate all portions of the record or file that identify Petitioner, and notify the Court of its action; and
- (2) delete from its public records all index references to the records and files that are subject to the expunction order.

**8.2 Records and files should be returned to the 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

**8.3 Video, audio, and digital media subject to this order shall be obliterated.**

**8.4 An official, agency, court, or other entity may retain receipts, invoices, vouchers, or similar records of financial transactions that arose from the expunction proceeding or prosecution of the underlying criminal cause in accordance with internal financial control procedures. An official, agency, court, or other entity that retains these records shall obliterate all portions of the record or file that identify Petitioner.**

**8.5 Any state agency that sent information concerning the arrest(s) in this order to a central federal depository of criminal records shall request such depository to return all records and files subject to this order.**

**9. Release of Order by the Clerk of the Court**

No copy of this order shall be given to any person or entity, including Petitioner or a Respondent, until the Clerk of the Court has certified its finality. The Clerk of the Court shall send a final, certified copy of the order to:

- a. the Dallas City Attorney's Office on behalf of itself and all City of Dallas agencies;
- b. Petitioner or Petitioner's attorney;
- c. the Texas Department of Public Safety, Crime Records Service; and
- d. any other official, agency, or other governmental entity named as a Respondent.

Respondents shall be served by secure electronic mail, electronic transmission, facsimile transmission, certified mail/return receipt requested, or hand delivery.

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

#### **10. Discovery of Expunction Files During Civil Litigation**

If Petitioner should file a civil action arising out of the arrest that is the subject of this expunction, the materials contained in the expunged records, as well as the contents of the expunction file, shall be a matter of public record subject to discovery proceedings. *W.V. v. State*, 669 S.W.2d 376, 379 (Tex. App.—Dallas 1984, writ ref'd n.r.e.). If the expunction file is still in the custody of the City of Dallas Municipal Court Clerk, the person seeking discovery of its contents shall notify the City of Dallas Municipal Court Clerk and the Dallas City Attorney's Office. Upon motion and order, the Municipal Court Clerk shall deliver the expunction file to the clerk of the civil court where the action is pending, taking receipt for same.

#### **11. Costs Assessed Against Petitioner**

The costs described in Article 102.0061 of the Texas Code of Criminal Procedure are assessed against Petitioner.

#### **12. Optional Release of Expunction Files to Petitioner**

Except in the case of a person entitled to an expunction on the basis of an acquittal under Article 55A.002 or an entitlement under Article 55A.006 of the Texas Code of Criminal Procedure, the records and files returned to the Court pursuant to this order may be released to Petitioner upon request.

#### **13. Destruction of Files by the Clerk of the Court**

The Clerk for the Dallas Municipal Court shall destroy all files and records collected or maintained in accordance with this expunction, other than the expunction order itself, on the first anniversary of the date the order is issued, unless the records or files were released to Petitioner under Article 55A.355 of the Texas Code of Criminal Procedure.

All relief not expressly granted herein is hereby DENIED.

SIGNED AND ENTERED this the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
JUDGE PRESIDING

APPROVED AS TO FORM:

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Attorney for Petitioner

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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 the City of Dallas Municipal Court. After conducting a diligent search, no record or entry of any instrument, including but not limited to: a motion for new trial, notice of appeal, or motion in arrest of judgment, has been filed within 30 days after the signing of the foregoing Order.

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

Greg Nelson  
Court and Detention Services  
Dallas, Texas

By: \_\_\_\_\_  
Clerk