

NO. EX _____

EX PARTE

*

IN THE MUNICIPAL COURT

*

OF THE CITY OF DALLAS

*

DALLAS COUNTY, TEXAS

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

PETITION FOR EXPUNCTION¹

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW _____, Petitioner, and says:
(Print full name – first, middle, last)

1. Required Identifying Information (Art. 55A.253(a)(1))

Petitioner has the following description: *(must include all of the following or an explanation for why one or more was not included)*

Sex: _____

Race: _____

Date of Birth: _____

Driver's License State & Number: _____

Social Security Number: _____

Address at Time of Arrest:² _____

¹ This 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. Ch. 55A.

² An arrest can be a custodial arrest (went to jail) or a non-custodial arrest (issued a citation)

2. Required Offense and Arrest Information (Art. 55A.253(a)(2)-(7))

Petitioner can establish his/her eligibility for expunction under Tex. Code Crim. Proc. Ch. 55A for the following arrest(s):

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

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

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

3. Respondents - Governmental

Petitioner has reason to believe the following governmental agencies may have records or files pertaining to the arrest(s): *(check the box or fill in information as applicable)*

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. 14th St., Suite 600

Austin, TX 78701-1614

ocaexpunctions@txcourts.gov

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

4.1 Any entity that purchases criminal history record information from the DPS in accordance with Tex. Code Crim. Proc. Art. 55A.352(c);

4.2 PublicData.com;

4.3 Appriss Operations Center

Attn: VINELink

10401 Linn Station Road

Louisville, Kentucky 40223

4.4 _____

5. Legal Grounds for Expunction

Petitioner is entitled to or eligible for expunction of his/her criminal arrest and can establish the eligibility requirements contained in subsection “5.1,” “5.2,” “5.3,” or “5.4” as provided below:
(indicate the appropriate reason for expunction)

5.1 Acquittal, Actual Innocence, or Pardon

- a. ☐ The Petitioner was tried for the offense and thereafter ACQUITTED by the trial court, Court of Appeals, or Court of Criminal Appeals, AND if the offense for which the petitioner was acquitted arose out of a criminal episode, as defined by Texas Penal Code 3.01, the Petitioner was not convicted of, nor remains subject to prosecution for, any other offense occurring during the criminal episode (55A.002, 55A.101(a)(1)); OR
- b. ☐ The Petitioner was tried and convicted and subsequently pardoned or otherwise granted relief on the basis of ACTUAL INNOCENCE (55A.003); OR
- c. ☐ The Petitioner was tried and convicted and subsequently PARDONED for a reason other than actual innocence (55A.004).

5.2 No Indictment or Information Presented and Case No Longer Pending *[Includes cases that were charged by Complaint and subsequently dismissed]*

Petitioner is entitled to an expunction of the above arrest(s) because:

-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 no court-ordered community supervision under Chapter 42A for the offense, other than for a Class C misdemeanor; AND
-an indictment or information charging petitioner with the commission of a misdemeanor offense based on the petitioner’s arrest or charging the petitioner with the commission of any felony offense arising out of the same transaction for which the petitioner was arrested has not been presented against the petitioner at any time following the arrest; AND

- a. ☐ at least 180 days has elapsed since the date of arrest, the arrest was for an offense punishable as a Class C misdemeanor, and there was no felony charge arising out of the same transaction (55A.052(a)(1)).

OR

- b. ☐ the attorney representing the state certifies that the applicable arrest records and files are not needed for use in any criminal investigation or prosecution, including an investigation or prosecution of another person (55A.052(a)(4)).

5.3 Statute of Limitations has Elapsed

☐ Prosecution of the petitioner for the offense for which they were arrested is no longer possible because the limitations period has expired (55A.054).

5.4 Recommendation by Attorney Representing State

☐ The Petitioner has not been tried for the offense, if the offense arose out of a criminal episode, as defined by Texas Penal Code 3.01, the Petitioner was not convicted of, nor remains subject to prosecution for, any other offense occurring during the criminal episode, and the office of the attorney representing the state recommends the expunction (55A.101(a)(2)).

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 delivers, by certified mail or secure electronic mail, copies of this petition and of the order setting hearing date to Respondents; and
- (3) at the hearing, expunction be granted.

Respectfully submitted,

Signature: _____

Printed Name: _____

Address: _____

Telephone: _____

Fax: _____

E-mail: _____

State Bar Number: _____

VERIFICATION (Signed Before a Notary Public)

VERIFICATION

BEFORE ME, the undersigned authority, personally appeared _____
who, having been duly sworn, stated:

“My name is _____. I am the Petitioner in the above Petition for
Expunction. I have read said Petition, and the facts therein are true and correct.”

Petitioner

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

NOTARY PUBLIC in and for
_____ County, Texas

Notary Public

Cause Number EX _____

NO. EX _____

EX PARTE

*

IN THE MUNICIPAL COURT

*

OF THE CITY OF DALLAS

*

DALLAS COUNTY, TEXAS

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

ORDER SETTING HEARING DATE

The Petitioner's foregoing Petition for Expunction is hereby set for a hearing on the _____ day
of _____, 20____, at _____ o'clock, in the Dallas Municipal Court No. _____.

SIGNED this _____ day of _____, 20____.

JUDGE PRESIDING