

Guidelines for Filing an Expunction Petition

Eligibility for Expunction:

You may be eligible for an expunction of a Class C misdemeanor offense if:

- You were given deferred disposition, successfully completed the deferred, and the case has now been dismissed.
- Your case was dismissed for another reason
- You were acquitted (found “Not Guilty”) at trial
- Some cases will also require a specific waiting period to lapse before they are eligible for expunction.
- Expunctions for Offenses Due to Identity Theft MUST be filed at the Dallas County District Court.

If you feel your case qualifies for an expunction, it is highly recommended that you speak with an attorney about eligibility and the process for filing.

Items Needed to File:

1. Petition for Expunction
 - 1 Original

Original Petition for Expunction Should Have the Following:

- Original Signature for attorney (or pro-se) on the last page of the Petition
 - Verification Page
 - Original Notary Public Stamp/Seal on verification page
 - Original Signature of Petitioner, Notary Public, and Attorney on Verification Page
 - Current Mailing Address
2. Order Granting Expunction
 - Original Proposed Order Only

Send Filing to:

**Dallas Municipal Court
Attn: Court and Detention Services
2014 Main Street
Dallas, Texas 75201**

The filing fee for the Petition is \$100.00

Make cashier’s check, money order, or law office check payable to Dallas Municipal Court. Please include your State Bar # or DL/ID # on all checks. Cash and credit card payments accepted in person.

Please contact an attorney for any legal assistance.

You may also find further forms on the Court & Detention Services website under “Court Forms”

NO. _____

EX PARTE

*

IN THE MUNICIPAL COURT

*

OF THE CITY OF DALLAS

*

DALLAS COUNTY, TEXAS

PETITIONER (Print full name)

PETITION FOR EXPUNCTION¹

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW _____, Petitioner, and says:
(Print full name)

1. Required Identifying Information

Petitioner has the following description:

Race: _____

Sex: _____

Date of Birth: _____

Driver's License Number: _____

Social Security Number: _____

Address at Time of Arrest: _____

Current Mailing Address: _____

¹This 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. art. 55.01.

2. Required Offense and Arrest Information

Petitioner can establish his/her eligibility for expunction under Tex. Code Crim. Proc. Ann. art. 55.01 for the following arrests:

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

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

3. Legal Grounds for Expunction

Petitioner is eligible for expunction of his/her criminal arrest **and can establish** the eligibility requirements contained in subsection “A,” “B,” or “C” as provided below:

3.1 Acquittal, Pardon, or Actual Innocence Exoneration

- a. The Petitioner was charged and thereafter ACQUITTED by the trial court, Court of Appeals, or Court of Criminal Appeals, AND the offense for which the person was acquitted did not arise out of a criminal episode, as defined by Texas Penal Code 3.01, and the Petitioner was not convicted of, nor remains subject to prosecution for, at least one other offense occurring during the criminal episode; OR
- b. The Petitioner was convicted and subsequently PARDONED by the Governor; OR
- c. The Petitioner was convicted and subsequently PARDONED or granted relief based on a court finding of ACTUAL INNOCENCE.

3.2 No charges have been filed

- a. The Petitioner was arrested/cited for a Class C misdemeanor offense, at least 180 days has elapsed since the date of arrest, and the Petitioner has not been charged with a felony arising out of the same transaction; 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; or
- c. Prosecution of the person for the offense for which the person was arrested/cited is no longer possible because the limitations period has expired.

3.3 Charges filed and indictment, information, or citation dismissed or quashed

- a. 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, unless the offense is a Class C misdemeanor, AND
 - i. The complaint was dismissed or quashed **BECAUSE the presentment had been made because of mistake, false information, or other similar reason indicating absence of probable cause at the time of the dismissal to believe the person committed the offense;** or
 - ii. The complaint was dismissed or quashed **BECAUSE the indictment or information was VOID;** or
 - iii. Prosecution of the person for the offense for which the person was arrested/cited is no longer possible because the limitations period has expired.
 - iv. the offense for which the Petitioner was arrested/cited is a Class C misdemeanor filed in a justice or municipal court, the citation was not issued for a violation under Tex. Alch. Beverage Code § 106, and the Petitioner received and successfully completed deferred disposition under Tex. Code Crim. Proc. Ann. art. 45.051(a).

4. Respondents - State governmental agencies and entities

The following law enforcement agencies and other governmental entities of this State with information related to above identified arrest(s) include the following named Respondents:

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 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 County Jail

Low 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

4.2 Arresting Agency: _____
(police department, sheriff's department, or constable's office)

Mailing Address: _____

4.3 Filing Agency: _____

Mailing Address: _____

4.4 Court: _____
(district court, county court, municipal court, or J.P court)

Mailing Address: _____

4.5 _____:
(other State agency)

Mailing Address: _____

4.6 Texas Department of Public Safety

Crime Records Division – MSC 0234
Post Office Box 4143
Austin, Texas 78765-4143

4.6 (a) Any entity that purchases criminal history record information from the DPS in accordance with Tex. Code Crim. Proc. Ann. § 3(c-2);

4.6 (b) PublicData.com;

4.6 (c) criminalhistoryrecord.com

4.6 (d) _____

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

5. 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,

Name: _____

Address: _____

Telephone: _____

VERIFICATION (Signed Before a Notary Public)

VERIFICATION

BEFORE ME, the undersigned authority, personally appeared [Petitioner] 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

NO. _____

EX PARTE

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

PETITIONER (Print full name)

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