

STATE OF LOUISIANA

NO. _____ DIV _____

VERSUS

_____ JUDICIAL DISTRICT COURT

PARISH OF _____

STATE OF LOUISIANA

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 NO: _____

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 |
| ☐ YES | ☐ NO | Convicted but determined to be factually innocent and entitled to compensation for a wrongful conviction pursuant to the provisions of R.S. 15:572.8 |

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**

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

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
- ☐ Charge dismissed
- ☐ Found not guilty/judgment of acquittal

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
- ☐ Charge dismissed
- ☐ Found not guilty/judgment of acquittal

☐ Yes ☐ No **MISDEMEANOR CONVICTIONS**

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.

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.

☐ Yes ☐ No **FELONY CONVICTIONS**

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 10 years have passed since complete of sentence.
- ☐ Received a first offender pardon for an eligible offense.

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 10 years have passed since complete of sentence.
- ☐ Received a first offender pardon for an eligible offense.

☐ Yes ☐ No **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 60 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 a first offender pardon.
- ☐ A copy of the order waiving the sex offender registration and notification requirements.
- ☐ A copy of the court order determination of factual innocence and order of compensation for a wrongful conviction pursuant to the provisions of R.S. 15:572.8 if applicable.

☐ 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 Identification 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 _____

VERSUS

_____ JUDICIAL DISTRICT COURT

PARISH OF _____

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/Interim 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/Interim 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/Interim 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

STATE OF LOUISIANA

NO. _____ DIV _____

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STATE OF LOUISIANA

ORDER

IT IS HEREBY ORDERED,

If there is an objection to the Motion for Expungement/Interim Expungement, the district attorney and the arresting law enforcement agency shall file a motion to object within 60 days of the service of this Order.

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

NO CONTRADICTIONARY 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/Interim 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/Interim 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. _____ DIV _____

VERSUS

_____ JUDICIAL DISTRICT COURT

PARISH OF _____

STATE OF LOUISIANA

RULE TO SHOW CAUSE

IT IS HEREBY ORDERED that the District Attorney show cause on the _____ day of _____, 20 _____, at _____ o'clock ____m why the foregoing motion should not be granted.

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

JUDGE

Print Name

PLEASE SERVE:

1. District Attorney: PO BOX 69, BENTON, LA 71006
2. Attorney for Defendant and/or Defendant _____

**TRANSMITTAL OF RECORDS FOR EXPUNGEMENT OF DWI
PURSUANT TO C.Cr.P. Art 984**

Clerk of Court

Judicial District

Parish

Date

OFFICE OF MOTOR VEHICLES
P.O. BOX 64886
BATON ROUGE, LA 70896

NAME: _____ DRIVER'S LICENSE #: _____

DATE OF BIRTH: _____ OFFENSE DATE: _____

SS#: _____ DOCKET NO.: _____

TICKET NO: _____

☐ Attached is a certified copy of the court minutes, original/certified copy of fingerprints and proof of the requirements as set forth in the Code of Criminal Procedure Article 556.1. Additionally, a \$50.00 money order or certified funds made payable to the office of motor vehicles, in reference to the above named defendant is attached; or

☐ Attached is a copy of the certified letter received from the office of motor vehicles indicating that all of the required documents were previously filed in conjunction with the requirements of Code of Criminal Procedure Article 894 and are on file. Additionally, a \$50.00 money order or certified funds made payable to the office of motor vehicles is attached.

NOTE: Do not use this form to submit records of a DWI plea pursuant to Code of Criminal Procedure Article 894(A)(5).

TRANSMITTAL OF RECORDS OF DWI PLEA PURSUANT TO ARTICLE 894

Clerk of Court

Judicial District

Parish

Date

OFFICE OF MOTOR VEHICLES
P.O. BOX 64886
BATON ROUGE, LA 70896

NAME: _____ DRIVER'S LICENSE #: _____

DATE OF BIRTH: _____ OFFENSE DATE: _____

SS#: _____ DOCKET NO.: _____

TICKET NO: _____

☐ Attached is a certified copy of the court minutes, original/certified copy of fingerprints and proof of the requirements as set forth in the Code of Criminal Procedure Article 556.1, as well as a \$50.00 money order or certified funds made payable to the office of motor vehicles, in reference to the above named defendant is attached.

NOTE: Do not use this form to submit records of a DWI expungement pursuant to Code of Criminal Procedure Article 894.

STATE OF LOUISIANA

VERSUS

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JUDICIAL DISTRICT COURT
PARISH OF _____
STATE OF LOUISIANA

CERTIFICATION OF FEE WAIVER

To be completed by defendant and submitted to the District Attorney's Office prior to filing. Append completed form to Motion of Expungement at filing only if eligible.

DEFENDANT NAME	
DATE OF BIRTH	
SSN#	
DATE OF ARREST	
DOCKET NUMBER	
CHARGE	

In accordance with Louisiana Code of Criminal Procedure Article 983, the Office of the District Attorney has reviewed the available databases and determined that
(Check all that apply. To be completed by authorized personnel from the District Attorney's Office and returned within 15 days to defendant.):

☐ The arrestee listed above has NO FELONY CONVICTIONS.

AND

☐ The arrestee listed above has NO PENDING FELONY CHARGES UNDER A BILL OF INDICTMENT OR INFORMATION.

AND

☐ The arrestee listed above WAS ACQUITTED after trial of all charges derived from the arrest listed above, including any lesser and included offense.

OR

☐ The arrestee listed above WAS NOT PROSECUTED WITHIN THE TIME LIMITATIONS prescribed in Chapter 1 of Title XVII of the Code of Criminal Procedure and the arrestee did not participate in a pretrial diversion program for the arrest listed above.

OR

☐ The case involving the arrestee listed above was dismissed or the district attorney declined to prosecute the case prior to the time limitations prescribed in Chapter 1 of Title XVII of the Code of Criminal Procedure, and the arrestee did not participate in a pretrial diversion program.

OR

☐ The arrestee listed above has been determined to be factually innocent and entitled to compensation for a wrongful conviction pursuant to the provisions of R.S. 15:572.8.

District Attorney or his designee - Print Name

District Attorney or his designee

_____, 20_____
Signature Date