

STATE OF LOUISIANA

NO. _____ DIV _____

VERSUS

_____ JUDICIAL DISTRICT COURT

PARISH OF _____

STATE OF LOUISIANA

**MOTION FOR EXPUNGEMENT FOR MISDEMEANOR CONVICTION FOR A
FIRST OFFENSE POSSESSION OF MARIJUANA**

NOW INTO COURT comes mover, who provides the court with the following information in connection with this request:

I. DEFENDANT INFORMATION

NAME: _____
(Last, First, MI)

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 Article 971 et seq. and states the following in support:

**II. MISDEMEANOR CONVICTION FOR A FIRST OFFENSE POSSESSION OF
MARIJUANA**

1. Mover was convicted on _____ / _____ / _____ (MM/DD/YYYY)

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

Attorney for Mover/Defendant Name

Attorney's Bar Roll No.

Address

City, State, ZIP Code

Telephone Number

If not represented by counsel:

Signature of Mover/Defendant

Mover/Defendant Name

Address

City, State, ZIP Code

Telephone Number

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 CONTRADICTORY 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

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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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

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