



City of Austin Municipal Court

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NO. _____

EX PARTE

§ IN THE MUNICIPAL COURT FOR
§
§ THE CITY OF AUSTIN
§
§ OF TRAVIS COUNTY, TEXAS

ORIGINAL PETITION FOR EXPUNCTION OF CRIMINAL RECORDS

COMES NOW the Petitioner, _____, and pursuant to Articles 55.01 and 55.02, V.T.C.A., Code of Criminal Procedure, moves the Court to order the expunction of all records relating to or resulting from the petitioner's arrest on _____ (date). Said petitioner would respectfully show the Court the following:

I.

The petitioner is a _____ (race) _____ (gender), whose date of birth is _____. The full legal name is _____. The _____ (State) driver's license number is _____, and the social security number is _____. At the time of the arrest for which an expunction is sought, the petitioner was residing at _____.

II.

On or about _____ (date), the petitioner received a citation or was arrested in Travis County, Texas, by an officer of the _____ Police Department, on a charge of _____.

III.

Petitioner was cited on _____ (date) for the Misdemeanor Offense of _____, in Cause No. _____ in the _____ Municipal Court of Travis County, Texas or in Travis County Justice of the Peace Court, Precinct _____. This case was dismissed on _____ (date).

IV.

Pursuant to Chapter 55 of the Code of Criminal Procedure, Petitioner is entitled to have the records and files relating to his/her arrest expunged for the following reasons:

1. Petitioner was acquitted after a trial on the merits for the offense;

OR

2. Petitioner was convicted of the offense but subsequently pardoned;

OR

3. (a) The following conditions exist:

- i. An indictment or information charging Petitioner with the commission of the offense has not been presented against the Petitioner for an offense arising out of the transaction for which he/she was arrested;

OR

ii. An indictment or information charging Petitioner with the commission of the offense of was presented, but it has been dismissed because the presentment was made due to a mistake, false information, or other similar reason indicating the absence of probable cause at the time of the dismissal to believe that the person committed the offense;

OR

iii. The indictment/information was dismissed because it was void;

AND

(b) Petitioner has been released and the charge has not resulted in a final conviction, is no longer pending and there was no court ordered community supervision under Article 42.12 of the Texas Code of Criminal Procedure;

AND

(c) The Petitioner has not been convicted of a felony in the five years preceding the date of his arrest.

OR

4. Petitioner was tried for the offense for which he/she was arrested; convicted of that offense; and acquitted by the Court of Criminal Appeals.

AND

5. The offense for which Petitioner was acquitted did not arise out of a criminal episode, as defined by Section 3.1 of the Texas Penal Code, in which movant was convicted of or remained subject to prosecution for at least one other offense occurring during the criminal episode.

V.

The petitioner has reason to believe that the following law enforcement agency has records or files subject to expunction herein and should be cited to appear and show cause why an expunction order should not be granted:

(Please circle all that apply)

1. City of Austin Municipal Court
P.O. Box 2135
Austin, TX 78768-2135
2. Austin Police Department
Attn: Expunctions
P.O. Box 689001
Austin, TX 78768-9001
3. Texas Department of Public Safety
Crime Records Service MSC 0234
P.O. Box 4143
Austin TX 78765-4143
4. Travis County Sheriff's Office
P.O. Box 1748
Austin, TX 78767
5. City of Austin Law Department
P.O. Box 1088
Austin, TX 78767-1088
6. Texas Crime Information Center
P.O. Box 4143
Austin, Texas 78765-4143

7. Other state or federal agencies, jails, detention facilities, magistrates, courts, prosecuting agencies, or correctional facilities that may have records or information relating to the arrest, charge or conviction. (Please list the name and full address.)

VI

Petitioner requests that the Court set this matter for hearing, notice the interested state agencies entitled to notice under Article 55.02, Section 2, of the Texas Code of Criminal Procedure and order the following:

- a. All applicable agencies to return all records and files concerning the subject arrest, charge and/or conviction to this Court, or if removal and return is not practical, to destroy all portions of the records or files that identify the Petitioner including, but not limited to, all computer entries and notify this Court of same;

b. All applicable agencies to delete from their records all index references to the records and files that are subject to this Order;

c. The Municipal Court Clerk be ordered not to permit inspection of the court records concerning this expunction proceeding by any person other than the Petitioner herein or Petitioner's attorney, and to destroy all public references to this proceeding and maintain all other records in an area not open to inspection;

d. The Clerk, upon request, to deliver to Petitioner or Petitioner's attorney all files and records returned to the clerk pursuant to the Court's Order;

e. The Clerk to destroy all such files and records returned to the clerk pursuant to the Court's Order on the first anniversary of the date the order for expunction was issued unless the Petitioner has requested the return of the records;

f. Petitioner be allowed to deny the occurrence of the expunged arrest and prosecution and the expunction proceedings and order;

g. The Department of Public Safety to send a copy of this Order, via certified mail return receipt requested, to the appropriate federal depository of criminal records that there is reason to believe may have any records subject to the Court's Order, together with any explanation of the effect of the Court's Order and a request that the records in possession of the depository, including any information with respect to this proceeding, be destroyed, deleted or returned to the Court.

THEREFORE, the petitioner respectfully requests that the Court set this matter for hearing as provided by law and that upon said hearing, that an expunction order be granted, requiring all of the above-named agencies to expunge all of their records relating to the above-described arrest.

Respectfully submitted,

_____(Signature)

_____(Printed Name)

_____(Address)

_____(City, State, Zip)

_____(Phone)

Petitioner Pro Se