STATE OF LOUISIANA

VERSUS

_____

NO. _____ **DIV** ___

_____ **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 ___**

_____ JUDICIAL DISTRICT COURT

VERSUS

PARISH OF _____

_____ **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

VERSUS

_____

NO. _____ DIV ____

_____ 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 _____**

VERSUS **_____JUDICIAL DISTRICT COURT**

PARISH OF _____

_____ **STATE OF LOUISIANA**

MOTION TO SET ASIDE CONVICTION AND DISMISS PROSECUTION

NOW INTO HONORABLE COURT, comes

☐ Defendant, OR

☐ Defendant through undersigned Counsel,

who moves that the conviction pursuant to Louisiana Code of Criminal Procedure

☐ 894(B) Misdemeanors, OR

☐ 893(E) Felonies

in the above numbered case be set aside and that the prosecution dismissed in accordance with the Code of Criminal Procedure in that the period of the deferred sentence has run and petitioner has successfully completed the terms of his probation.

The mover is further identified below:

DOCKET NUMBER: _____

CHARGE: _____

DATE OF ARREST: _____

ARRESTING AGENCY: _____

CITY/PARISH OF ARREST: _____

The Mover prays that, after a contradictory hearing with the District Attorney's Office, the Court order the above numbered case be set aside and that the prosecution dismissed in accordance with the Code of Criminal Procedure.

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 _____**

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

_____
PRINTED NAME

PLEASE SERVE:

1. District Attorney: _____
2. Attorney for Defendant and/or Defendant _____

STATE OF LOUISIANA

VERSUS

_____

NO. _____ **DIV** _____

_____**JUDICIAL DISTRICT COURT**

PARISH OF _____

STATE OF LOUISIANA

ORDER OF DISMISSAL

Considering the Motion to Set Aside Conviction and Dismiss Prosecution, the hearing conducted on the representation of the State of Louisiana of its consent hereto, and that there is no opposition for any good cause appearing herein;

IT IS ORDERED, ADJUDGED AND DECREED that this conviction is set aside and the prosecution dismissed for purposes of expungement.

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

_____
JUDGE

_____
Print Name

PLEASE SERVE:

1. District Attorney:_____

2. Attorney for Defendant and/or Defendant _____

STATE OF LOUISIANA

VERSUS

_____

NO. _____ **DIV** _____

_____ **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

_____ _____, 20_____
District Attorney or his designee Signature Date

STATE OF LOUISIANA

VERSUS

_____

NO. _____ **DIV** ____

_____ **JUDICIAL DISTRICT COURT**

PARISH OF _____

STATE OF LOUISIANA

ORDER OF EXPUNGEMENT OF ARREST/CONVICTION RECORD

Considering the Motion for Expungement

☐ The hearing conducted and evidence adduced herein, OR

☐ Affidavits of No Opposition filed,

IT IS ORDERED, ADJUDGED AND DECREED

THE MOTION IS DENIED for No(s). _____ for the following reasons (check all that apply):

☐ More than five years have not elapsed since Mover completed the misdemeanor conviction sentence.

☐ More than ten years have not elapsed since Mover completed the felony conviction sentence.

☐ Mover was convicted of one of the following ineligible felony offenses:

- ☐ A violation of the Uniform Controlled Dangerous Substances Law which is ineligible to be expunged.
- ☐ An offense currently listed as a sex offense that requires registration pursuant to La. Rev. Stat. Ann. 15:540 et seq., at the time the Motion was filed, regardless of whether the duty to register was ever imposed.
- ☐ An offense defined or enumerated as a "crime of violence" pursuant to La. Rev. Stat. Ann. 14:2(B) at the time the motion was filed.

☐ The arrest and conviction being sought to have expunged is for operating a motor vehicle while intoxicated and a copy of the proof from the Department of Public Safety and Corrections, office of motor vehicles, is not attached as required by C.Cr.P. Art. 984(A).

☐ Mover has had another record of misdemeanor conviction expunged during the previous five-year period.

☐ The record of arrest and conviction which Mover seeks to have expunged is for operating a motor vehicle while intoxicated and Mover has had another record of arrest and misdemeanor conviction expunged during the previous ten-year period.

☐ Mover has had another record of felony conviction expunged during the previous fifteen-year period.

☐ Mover was convicted of a misdemeanor which arose from circumstances involving or is the result of an arrest for a sex offense as defined in R.S. 15:541.

☐ Mover was convicted of a domestic abuse battery.

☐ Mover was convicted of misdemeanor stalking as defined in R.S. 14:40.2

☐ Mover did not complete pretrial diversion.

☐ The charges against the mover were not dismissed or refused.

☐ Mover's felony conviction was not set aside and dismissed pursuant to Code of Criminal Procedure Article 893(E).

☐ Mover's misdemeanor conviction was not set aside and dismissed pursuant to Code of Criminal Procedure Article 894(B).

☐ Mover completed a DWI pretrial diversion program, but five years have not elapsed since the mover's date of arrest.

☐ Mover's conviction for felony carnal knowledge of a juvenile is not defined as misdemeanor carnal knowledge of a juvenile had the mover been convicted on or after August 15, 2001.

☐ Mover has not been employed for ten consecutive years as required by C.Cr.P. Art 978(E)(1)(d).

☐ Mover was not convicted of a crime that would be eligible for expungement as required by C.Cr.P Art. 978(E)(1)

☐ Mover has criminal charges pending against him.

☐ Mover was convicted of a criminal offense during the ten-year period.

☐ Denial for any other reason provided by law with attached reasons for denial.

☐ **THE MOTION IS HEREBY GRANTED** for No(s). _____ and all agencies are ordered to expunge the record of arrest/conviction and any photographs, fingerprints, or any other such information of any kind maintained in connection with the Arrest(s)/Conviction(s) in the above captioned matter, which record shall be confidential and no longer considered a public record, nor be 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 upon an order of this Court to any other person for good cause shown, or as otherwise authorized by law.

☐ **THE MOTION IS HEREBY GRANTED FOR EXPUNGEMENT BY REDACTION** If the record includes more than one individual and the mover is entitled to expungement by redaction pursuant to Code of Criminal Procedure Article 985, for No(s). _____ and all agencies are ordered to expunge the record of arrest/conviction and any photographs, fingerprints, or any other such information of any kind maintained in relation to the Arrest(s)/Conviction(s) in the above-captioned matter as they relate to the mover only. The record shall be confidential and no longer considered a public record, nor be 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 upon an order of this Court to any other person for good cause shown, or as otherwise authorized by law.

NAME: _____ _____ _____
(Last Name) *(First Name)* *(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 NUMBER: _____

ARREST DATE: _____/_____/_____ (MM/DD/YYYY)

THUS ORDERED AND SIGNED this _____ day of _____, 20 ____

at _____, Louisiana.

_____
JUDGE

_____
Print Name

PLEASE SERVE THE FOLLOWING:

1. District Attorney: _____
(Name and Address)

2. Louisiana 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)

4. Sheriff: _____
(Name and Address)

5. Attorney for Defendant (or defendant): _____

_____
(Name and Address)

6. Clerk of Court: _____
(Name and Address)

CERTIFICATE OF SERVICE

Pursuant to LA CCrP Article 979, I hereby certify that I have served the foregoing Order of Expungement 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 _____