

# 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 EXPUNCTION<sup>1</sup>**

**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: \_\_\_\_\_

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<sup>1</sup>This 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

Lew 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. 14<sup>th</sup>, 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.”

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Petitioner

SUBSCRIBED TO AND SWORN BEFORE ME on the \_\_\_\_\_ day of  
\_\_\_\_\_, 20\_\_\_\_.

NOTARY PUBLIC in and for

\_\_\_\_\_ County, Texas

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Notary Public

Cause Number \_\_\_\_\_

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