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### ORDER GRANTING EXPUNCTION

31<sup>st</sup> day of October, 2022.

I.

**Petitioner has the following description:**

<b>Name:</b>	Kimberlyn McCoy De La Rosa
<b>Alias:</b>	Kimberlyn Mary McCoy
<b>Race:</b>	White
<b>Sex:</b>	Female
<b>Date of Birth:</b>	08/25/1993
<b>Driver's License Number:</b>	TX 28165672
<b>Social Security Number:</b>	634-38-4781
<b>Address at Time of Arrest:</b>	1729 Riverview Cleburne, TX 76033

## II.

**Petitioner is entitled to expunction of the following Andrews County arrest(s):**

<b>Offense Charged:</b>	DRIVING WHILE INTOXICATED BAC >= 0.15
<b>Date of Arrest:</b>	On or about 05/04/2016
<b>Cause Number:</b>	16-0205
<b>Court of Offense:</b>	Andrews County Court
<b>Agency Case Number:</b>	16-0560

The Court finds that an indictment or information charging Petitioner with the commission of a felony or misdemeanor was presented arising out of this arrest, but it has been dismissed or quashed because the petitioner completed a pretrial

intervention program authorized under Section 76.011, Government Code.

The Court further finds Petitioner has been released and the charge(s), if any, did not result in a final conviction and is/are no longer pending, and there was no court-ordered community supervision under Chapter 42A (formerly designated Article 42.12) of the Code of Criminal Procedure for any offense other than a Class C misdemeanor.

### III.

The respondents have been served with a copy of the Petition as required by law. Petitioner appeared in person without counsel. An Asst. District/County Attorney appeared on behalf of the Andrews County District/County Attorney's Office.

Respondents are:

Andrews County District Clerk's Office  
201 N Main St, Rm 102  
Andrews, TX 79714

Andrews County/District Attorney's Office  
121 NW Ave A  
Andrews, TX 79714

Andrews County Clerk's Office  
PO Box 727  
Andrews, TX 79714

Andrews County Adult Probation  
211 NW 1st St  
Andrews, TX 79714

Andrews County Sheriff's Office  
201 N Main St, Rm 113  
Andrews, TX 79714-6517

Andrews Police Department  
130 N Main St  
Andrews, TX 79714

Easy Expunctions  
84 NE Loop 410, Ste 184  
San Antonio, TX 78216



Office of Court Administration  
Attention: E-file and Re:SearchTX  
PO Box 12066  
Austin, TX 78711-2066

Texas Department of Criminal Justice – CJAD  
Attention: CSTS Administrator  
209 W 14th St, Ste 400  
Austin, TX 78701

Texas Department of Public Safety  
Crime Records Service (MSC 0234)  
PO Box 4143  
Austin, TX 78765-4143  
*Individually and for the FBI, NCIC, and TCIC*

#### IV.

IT IS THEREFORE ORDERED that all records and files pertaining to the arrest(s) granted herein be expunged. Related arrest(s) (same or similar charge, date, or arresting agency) not specifically listed herein are excluded from this expunction order. However, records of such unexpunged arrest(s), which would not have been generated except for the expunged arrest(s), shall be expunged.

The phrase “all records and files pertaining to the arrest(s)” includes records and files that were generated by respondents during this expunction proceeding, including the copies of the Petition and of this order, which are served on each respondent. However, the phrase “all records and files pertaining to the arrest(s)” does not include records and files that were generated during the investigation of the crime for which petitioner was arrested, but before the arrest took place, and that do not indicate that the arrest ever took place.

The phrase “all records and files pertaining to the arrest(s)” does not include records relating to the suspension or revocation of a driver’s license, permit, or privilege to operate a motor vehicle except as provided in § 524.015 and § 724.048 of the Texas Transportation Code.

IT IS FURTHER ORDERED, that the DEPARTMENT OF PUBLIC SAFETY shall send a copy by certified mail, return receipt requested of this Order to any central federal depository of criminal records that there is reason to believe has any of the records, together with an explanation of the effect of this Order and a request that the records in possession of the depository, including any information with respect to this proceeding, be destroyed.



V.

Records and files pertaining to the arrest(s) shall be expunged by turning them in to the Clerk of this Court, in a sealed envelope, by hand delivery or by mail to:

Andrews County District Clerk's Office  
Attn: Expunctions  
201 N. Main, Rm 102  
Andrews, TX 79714

Videotapes and audiotapes shall be expunged by erasing them.

Records that pertain to both the aforementioned arrest(s) and to other arrests that are not included in this order, and that would have been generated even if the expunged arrest(s) had not been made shall be obliterated (covered with tape, liquid paper, or other opaque substance) only insofar as they pertain to the arrest(s). A photocopy of such records, partially obliterated, shall be forwarded to the District Clerk as specified in the paragraph above.

Each respondent shall attach a certificate to the sealed envelope, certifying that these are all the expunged records; and the Department of Public Safety shall also certify that it has requested the FBI and all other central depositories to return all records and files subject to the order of expunction.

If returning records expunged by this order is impracticable, records pertaining to the arrest(s) may be expunged by the record keeping agency obliterating or destroying the records as they apply to the arrest(s). The agency shall then send a certificate to the District Clerk's Office certifying that the records have been destroyed.

VI.

The clerk shall certify when the order is final and shall send certified copies of it:

By ordinary first-class mail to Petitioner; and  
By secure electronic mail, electronic submission, facsimile submission  
or certified mail, return receipt requested, to all other respondents.

No respondent shall comply with this order until it has been thus served.

Upon request of Petitioner, the District Clerk may release any records returned pursuant to this order to the Petitioner.



The District Clerk shall maintain any and all records returned pursuant to this order in a manner not subject to public view and destroy all records, including the expunction file, not earlier than the 60th day after the date the order of expunction is issued or later than the first anniversary of that date. Destruction of any records pursuant to this order must comply with the procedures in Article 55.02, § 5 of the Texas Code of Criminal Procedure. No records returned pursuant to this order shall be released to Petitioner.

The District Clerk shall certify to the Court the destruction of any records returned pursuant to this order.

All relief not expressly granted herein is hereby DENIED.

SIGNED AND ENTERED this the 31 day of October, 2022.

  
HONORABLE JUDGE PRESIDING

APPROVED AS TO FORM & CONTENT:

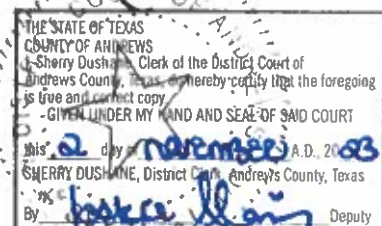
For the Andrews County District/County Attorney's Office:

  
~~Assistant District/County Attorney~~ Andrews County

For the Petitioner:

/s/ Kimberlyn McCoy De La Rosa  
Kimberlyn De La Rosa  
f/k/a Kimberlyn Mary McCoy  
1729 Riverview Drive  
Cleburne, TX 76033  
(682) 244-9031 – phone  
kimberlyn.mccoy11@gmail.com – email

PRO SE PETITIONER



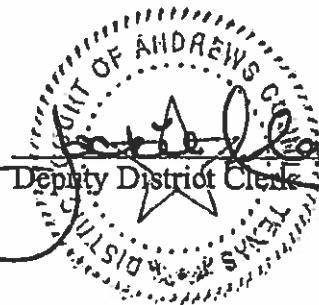
**CERTIFICATE OF FINALITY**

I, Sherry Dishane, District Clerk of Andrews County, Texas, do hereby certify that I have custody of the official records of KIMBERLYN MCCOY DE LA ROSA F/K/A KIMBELRYN MARY MCCOY in Andrews County. After conducting a diligent search, no record or entry of any instrument filed within thirty days after the date of signing of the foregoing Order is found to exist in the records of my office pertaining to the above-styled and numbered cause.

WITNESS my hand and seal of office on this 2 day of November, 2003

Sherry Dishane  
District Clerk  
Andrews County, Texas

By: [Signature]  
Deputy District Clerk

The seal is circular with a five-pointed star in the center. The words "COUNTY OF ANDREWS TEXAS" are written around the perimeter of the seal. The text "DISTRICT CLERK" is written across the bottom of the seal.

### **Automated Certificate of eService**

This automated certificate of service was created by the eFiling system. The filer served this document via email generated by the eFiling system on the date and to the persons listed below. The rules governing certificates of service have not changed. Filers must still provide a certificate of service that complies with all applicable rules.

Envelope ID: 80709734

Filing Code Description: Proposed Order

Filing Description: Updated Proposed Order

Status as of 10/19/2023 3:41 PM CST

Associated Case Party: ANDREWS COUNTY DISTRICT ATTORNEY

Name	BarNumber	Email	TimestampSubmitted	Status
Andrews County/District Attorney's Office		efile@co.andrews.tx.us	10/18/2023 10:37:48 AM	SENT

