

IN THE CIRCUIT COURT OF THE TWELFTH JUDICIAL CIRCUIT IN AND FOR SARASOTA COUNTY, FLORIDA

IN THE COUNTY COURT IN AND FOR SARASOTA COUNTY, FLORIDA

DIVISION

CASE NUMBER:

**CRIMINAL**

PLAINTIFF

VS. DEFENDANT

**STATE OF FLORIDA**

**PETITION TO EXPUNGE HUMAN TRAFFICKING VICTIM**

The petitioner, \_\_\_\_\_, by and through the undersigned attorney, petitions this honorable court, under Florida Rule of Criminal Procedure 3.692 and section 943.0585, Florida Statutes, to expunge all criminal history record information in the custody of any criminal justice agency and the official records of the court concerning the petitioner's arrest and/or conviction on \_\_\_\_\_(date(s)), by \_\_\_\_\_(arresting agency and/or prosecuting authority), for \_\_\_\_\_(charges and/or offenses), and as grounds therefore shows:

1. On \_\_\_\_\_, the petitioner, \_\_\_\_\_, a \_\_\_\_\_ / \_\_\_\_\_ (race/sex), whose date of birth is \_\_\_\_\_, was arrested by \_\_\_\_\_(arresting agency), and charged with \_\_\_\_\_(charges) or convicted by \_\_\_\_\_ (name of prosecuting authority) of \_\_\_\_\_ (offenses).
2. The petitioner has been the victim of human trafficking, as discussed in section 787.06, Florida Statutes, and has committed, or is reported to have committed, an offense, other than those offenses listed in section 775.084(1)(b)1, Florida Statutes, which was committed, or reported to have been committed, as a part of a human trafficking scheme of which he/she was the victim or at the direction of an operator of the scheme as evidenced by the attached official documentation of his/her status, or may be shown by clear and convincing evidence presented to the Court.

WHEREFORE, the petitioner moves to expunge any criminal history record information and any official court records regarding his/her arrest and/or conviction by \_\_\_\_\_(arresting agency and/or name of prosecuting authority), for \_\_\_\_\_(charges), on \_\_\_\_\_(date(s)).

I HEREBY CERTIFY that a true and correct copy of the foregoing pleading has been served on \_\_\_\_\_(name of prosecuting authority), (check one) \_\_\_\_\_(State Attorney for the Judicial Circuit in and for \_\_\_\_\_ County, \_\_\_\_\_(Special Prosecutor), \_\_\_\_\_ Statewide Prosecutor; \_\_\_\_\_(arresting agency); \_\_\_\_\_(Sheriff of county in which defendant was arrested, if different); and the Florida Department of Law Enforcement, on \_\_\_\_\_(date).

Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
City/State: \_\_\_\_\_  
Telephone Number: \_\_\_\_\_  
E-mail Address: \_\_\_\_\_  
Fla.Bar No.: \_\_\_\_\_

Personally known \_\_\_\_\_ or produced identification \_\_\_\_\_  
Type of identification produced \_\_\_\_\_

My commission expires: \_\_\_\_\_

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VS. DEFENDANT

**AFFIDAVIT / HUMAN TRAFFICKING VICTIM**

I, \_\_\_\_\_, am the defendant/petitioner in the above-styled cause and I do hereby swear or affirm that:

1. I fully understand the meaning of all of the terms of this affidavit.
2. I have never been the victim of human trafficking, as discussed in section 787.06, Florida Statutes, and have committed, or was reported to have committed, an offense, other than those offenses listed in section 775.084(1)(b)1, Florida Statutes, which was committed, or reported to have been committed, as a part of a human trafficking scheme of which I was the victim or at the direction of an operator of the scheme.
3. I was arrested and/or convicted on \_\_\_\_\_ (date(s)), by \_\_\_\_\_ (arresting agency and/or name of prosecuting authority).
4. I am eligible for the relief requested, to the best of my knowledge and belief, and do or do not have any other petition to expunge or seal pending before any court.

\_\_\_\_\_  
Petitioner

Sworn to and subscribed before me on \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_  
NOTARY PUBLIC, or other person authorized to administer an oath

Printed, typed, or stamped commissioned name of Notary Public

Personally known \_\_\_\_\_ or produced identification \_\_\_\_\_

Type of identification produced

My commission expires: \_\_\_\_\_

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**CRIMINAL**

CASE NUMBER:

PLAINTIFF

**STATE OF FLORIDA**

VS. DEFENDANT

**ORDER TO EXPUNGE, HUMAN TRAFFICKING VICTIM, UNDER SECTION 943.0583, FLORIDA STATUTES, AND FLORIDA RULE OF CRIMINAL PROCEDURE 3.692**

THIS CAUSE having come on to be heard before me this date on a petition to expunge certain records of the petitioner's arrest and/or conviction on \_\_\_\_\_, by \_\_\_\_\_, for \_\_\_\_\_, and the court having heard argument of counsel and being otherwise fully advised in the premises, the court hereby finds the following:

The petitioner has been the victim of human trafficking, as discussed in section 787.06, Florida Statutes, and has committed, or is reported to have committed, an offense, other than those offenses listed in section 775.084(1)(b)1, Florida Statutes, which was committed, or reported to have been committed, as a part of a human trafficking scheme of which he/she was the victim, or at the direction of an operator of the scheme. A conviction expunged under this section is deemed to have been vacated due to a substantive defect in the underlying criminal proceedings.

Whereupon it is

ORDERED AND ADJUDGE that the petition to expunge is granted. All court records pertaining to the above-styled case shall be sealed in accordance with the procedures set forth in Florida Rule of Criminal Procedure 3.692; and it is further

ORDERED AND ADJUDGED that the clerk of this court shall forward a certified copy of this order to the (check one) \_\_\_\_\_ state attorney, \_\_\_\_\_ special prosecutor, \_\_\_\_\_ statewide prosecutor, \_\_\_\_\_ arresting agency, \_\_\_\_\_ and the Sheriff of \_\_\_\_\_ County, who will comply with the procedures set forth in section 943.0583, Florida Statutes, and appropriate regulations of the Florida Department of Law Enforcement, and who will further forward a copy of this order to any agency that their records reflect has received the instant criminal history record information; and it is further

ORDERED AND ADJUDGED that \_\_\_\_\_ (arresting agency) shall expunge all information concerning indicia of arrest, conviction, or criminal history record information regarding the arrest, conviction, or alleged criminal activity to which this petition pertains in accordance with the procedures set forth in section 943.0583, Florida Statutes, and Florida Rule of Criminal Procedure 3.692.

All costs of certified copies involved herein are to be borne by the \_\_\_\_\_.

DONE AND ORDERED in Chambers at Sarasota County, Florida, on \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_  
Circuit / County Court Judge