

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

IN THE COUNTY COURT IN AND FOR SARASOTA COUNTY, FLORIDA

DIVISION

CRIMINAL

CASE NUMBER:

PLAINTIFF

STATE OF FLORIDA

VS. DEFENDANT

PETITION TO EXPUNGE OR SEAL

The petitioner, _____, by and through the undersigned attorney, petitions this Honorable Court, under Florida Rule of Criminal Procedure 3.692 and section 943.0585, or section 943.059, Florida Statutes, to expunge/seal 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 on _____, by _____ (arresting agency), for _____ (charges), 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).
2. The petitioner was not adjudicated guilty of nor adjudicated delinquent for committing any of the acts stemming from this arrest or alleged criminal activity.
3. The petitioner has not been previously adjudicated guilty of a criminal offence or a comparable ordinance violation nor adjudicated delinquent for committing a felony or a misdemeanor specified in section 943.0151(3)(b), Florida Statutes.
4. The petitioner has not secured a prior records expunction or sealing under section 943.0585 or 943.059, Florida Statutes, or under former section 943.058, 893.14 or 901.33, Florida Statutes.
5. (To be used only when requesting expunction.) The petitioner's record has been sealed under section 943.059, Florida Statutes, or under former section 943.058, 893.14, or 901.33, Florida Statutes, for at least 10 years; or there has not been an indictment, information, or other charging document filed against the petitioner who is the subject of the criminal history record information; or an indictment, information, or other charging document filed against the petitioner who is the subject of the criminal history information was dismissed by the prosecutor or the court.
6. A Certificate of Eligibility for expunction/sealing of nonjudicial criminal history records issued by the Florida Department of Law Enforcement accompanies this petition.
7. All costs associated with the expunction or sealing of this case were paid, including any outstanding monies owed on the above-styled case.
8. There are are not recorded documents to be removed from the Official Records of Sarasota County. If applicable, the recorded documents to be removed are recorded under instrument number(s) _____.

WHEREFORE, the petitioner moves to expunge/seal any criminal history record information and any official court records regarding his/her arrest by _____ (arresting agency), for _____ (charges), on _____ (date).

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: _____
Florida Bar No.: _____

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AFFIDAVIT IN SUPPORT OF PETITION

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 adjudicated guilty of a criminal offense or a comparable ordinance violation nor adjudicated delinquent for committing a felony or a misdemeanor specified in section 943.051(3)(b), Florida Statutes.
3. I was arrested on _____, by _____ (arresting agency), and I have not been adjudicated guilty of, nor adjudicated delinquent for committing, any of the acts stemming from that arrest or the alleged criminal activity surrounding my arrest.
4. I am eligible for the relief requested, to the best of my knowledge and belief, and do not have any other petition to expunge or seal pending before any court.
5. I have never secured a prior records expunction or sealing under section 943.0585 or 943.059, Florida Statutes, or under former section 893.14, 901.33, or 943.058, Florida Statutes, or the record is otherwise eligible for expunction because it has been sealed for at least 10 years.
6. (For use in expunction petitions only.) My record of arrest for this date has been sealed for at least 10 years; or an indictment, information, or other charging document was not filed against me for the above criminal transaction; or an indictment, information, or other charging document filed against me was dismissed by the prosecutor or the 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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VS. DEFENDANT

ORDER TO SEAL RECORDS UNDER SECTION 943.059, 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 seal certain records of the petitioner's arrest on _____, by _____ (arresting agency), for _____ (charges), and the court having heard argument of counsel and being otherwise fully advised in the premises, the court hereby finds the following:

1. The petitioner has never previously been adjudicated guilty of a criminal offense or a comparable ordinance violation nor adjudicated delinquent for committing a felony or a misdemeanor specified in section 943.051(3)(b), Florida Statutes.
2. The petitioner was not adjudicated guilty of nor adjudicated delinquent for committing any of the acts stemming from the arrest or criminal activity to which this expunction petition pertains.
3. The petitioner has not secured a prior records expunction or sealing under section 943.0585 or 943.059, Florida Statutes, or under former section 893.14, 901.33, or 943.058, Florida Statutes, or the record is otherwise eligible for expunction because it has been sealed for at least 10 years.
4. This record has either been sealed for at least 10 years; or no indictment, information, or other charging document was ever filed in this case against the petitioner; or an indictment, information, or other charging document filed against the defendant was dismissed by the prosecutor or the court.
5. All costs associated with the sealing or expunging of the case were paid, including any outstanding monies owed on the above-styled case as evidenced by the Clerk's Certificate of Compliance with Financial Obligations filed under docket identification number [DIN] _____.
6. A Certificate of Eligibility issued by the Florida Department of Law Enforcement accompanied the petition for expunction of nonjudicial criminal history records and was filed into the above-styled case under docket identification number [DIN] _____.
7. The petitioner has has not identified recorded documents to be removed from the Official Records. If applicable, the recorded documents to be removed are recorded under instrument number(s) _____ . Whereupon it is

ORDERED AND ADJUDGED that the petition to seal records 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 the 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 943.0585, 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 seal all information concerning indicia of arrest or criminal history record information regarding the arrest or alleged criminal activity to which this petition pertains in accordance with the procedures set forth in section 943.059, Florida Statutes, and Florida Rule of Criminal Procedure 3.692.

All cost of certified copies involved herein are to be borne by the Petitioner.

DONE AND ORDERED in Chambers at Sarasota County, Florida, on _____ day of _____, _____

Circuit / County Court Judge