

INSTRUCTIONS FOR PETITION FOR EXPUNGEMENT FILED IN A CIRCUIT COURT – ACQUITTAL/DISMISSAL

Virginia Code § 19.2-392.2, relating to the expungement of police and court records, provides in pertinent part as follows:

- Pursuant to § 19.2-392.2 A, a person charged with the commission of a crime may file a petition setting forth the relevant facts and requesting expungement of the police records and the court records relating to the charge IF one of the following is true:
 1. The person is acquitted, or
 2. A nolle prosequi is taken or the charge is otherwise dismissed, including dismissal by accord and satisfaction pursuant to § 19.2-151.
- Pursuant to § 19.2-392.2 C, the petition with a copy of the warrant or indictment if reasonably available shall be filed in the circuit court of the county or city in which the case was disposed of by acquittal or being otherwise dismissed and shall contain, except where not reasonably available:
 1. The date of arrest and the name of the arresting agency. Where this information is not reasonably available, the petition shall state the reason for such unavailability;
 2. A statement of the specific criminal charge to be expunged;
 3. The date of final disposition of the charge as set forth in the petition;
 4. The petitioner's date of birth; and
 5. The full name used by the petitioner at the time of arrest.
- Pursuant to § 19.2-392.2 D, the petitioner must have a copy of the petition served on the attorney for the Commonwealth of the city or county in which the petition is filed. The attorney for the Commonwealth may file an objection or answer to the petition or may give written notice to the court that he does not object to the petition within twenty-one days after it is served on him.
- Pursuant to § 19.2-392.2 E, the petitioner shall obtain from a law-enforcement agency one complete set of the petitioner's fingerprints and shall provide that agency with a copy of the petition for expungement. The law-enforcement agency shall submit the set of fingerprints to the Central Criminal Records Exchange (CCRE) with a copy of the petition for expungement attached. The CCRE shall forward under seal to the court a copy of the petitioner's criminal history, a copy of the source documents that resulted in the CCRE entry that the petitioner wishes to expunge, and the set of fingerprints. Upon completion of the hearing, the court shall return the fingerprint card to the petitioner. If no hearing was conducted, upon the entry of an order of expungement or an order denying the petition for expungement, the court shall cause the fingerprint card to be destroyed unless, within 30 days of the date of entry of the order, the petitioner requests the return of the fingerprint card in person from the clerk of the court or provides the clerk of the court a self-addressed, stamped envelope for the return of the fingerprint card.
- Circuit court form CC-1473, PETITION FOR EXPUNGEMENT FILED IN A CIRCUIT COURT – ACQUITTAL/DISMISSAL, may be completed and filed by the petitioner in the appropriate circuit court according to these instructions. A completed COVER SHEET FOR FILING CIVIL ACTIONS, circuit court form CC-1416, also may be required by the clerk of the court. Pursuant to § 19.2-392.2 J, costs shall be as provided by § 17.1-275, but shall not be recoverable against the Commonwealth.
- Different procedures for expungement may apply to a petition or motion filed pursuant to § 19.2-392.2 B or § 19.2-392.2 H.

**PETITION FOR EXPUNGEMENT
FILED IN A CIRCUIT COURT –
ACQUITTAL/DISMISSAL**

Commonwealth of Virginia VA. CODE § 19.2-392.2 A

Case No.

..... Circuit Court
CITY OR COUNTY

.....
STREET ADDRESS OF COURT

..... v. Commonwealth of Virginia
NAME OF PETITIONER

1. This petition to expunge the police and court records, including electronic records, relating to the charge(s) detailed in Part 2 (below) is based on subsection A of § 19.2-392.2, as the petitioner was charged with the commission of a crime or offense AND (CHECK ONE)

- has been acquitted of the charge.
- a nolle prosequi of the charge has been taken or the charge has been otherwise dismissed, including dismissal by accord and satisfaction pursuant to Virginia Code Section 19.2-151.

2. I further state that:

Petitioner's date of birth is:

Petitioner's full name at the time of arrest:

Specific charge(s) to be expunged:

If matter was heard on appeal from General District Court, list applicable General District Court case number(s):
.....

A copy of the warrant or indictment is attached to this petition. Underlying Case No.(s)

Date of arrest: Name of arresting agency:

A copy of the warrant or indictment date of arrest or name of arresting agency is not reasonably available because (state reason this information is not available):
.....

Date(s) of final disposition of charge(s): Court disposing of charge(s):

The continued existence and possible dissemination of information relating to the arrest of the petitioner causes or may cause circumstances which constitute a manifest injustice to the petitioner. For this reason, I request that the police and court records, including electronic records, relating to the charge(s) be expunged and that a copy of any order of expungement be forwarded to the Department of State Police pursuant to subsection K of § 19.2-392.2.

.....
DATE

.....
SIGNATURE OF PETITIONER ATTORNEY FOR PETITIONER

.....
PRINT NAME

.....
ADDRESS/TELEPHONE NUMBER OF PETITIONER ATTORNEY FOR PETITIONER

I certify that I provided the petitioner a certified copy of this petition. Hearing date and time:

.....
DATE

.....
CLERK

Checklist for petitioner:

- File completed PETITION FOR EXPUNGEMENT FILED IN A CIRCUIT COURT – ACQUITTAL/DISMISSAL in the circuit court of the county or city in which the charge(s) was disposed of, together with all applicable fees and costs and, if required by the clerk of the court, a completed COVER SHEET FOR FILING CIVIL ACTIONS, circuit court form CC-1416.
- Obtain one complete set of fingerprints from a law-enforcement agency and provide a copy of this petition to such law-enforcement agency.
- Have a copy of this petition served on the Commonwealth's Attorney in the county or city in which the PETITION FOR EXPUNGEMENT FILED IN A CIRCUIT COURT – ACQUITTAL/DISMISSAL is filed.

EXPUNGEMENT ORDER

Commonwealth of Virginia
VA. CODE § 19.2-392.2

Case No.

..... Circuit Court
CITY OR COUNTY

NAME OF PETITIONER SUBJECT OF WRIT OF ACTUAL INNOCENCE
 PERSON GRANTED AN ABSOLUTE PARDON

The petitioner is seeking relief pursuant to subsection A of Va. Code § 19.2-392.2 because the petitioner was charged with the commission of the following crime(s) or offense(s), AND

has been acquitted of the following charge(s)
AND/OR

a nolle prosequi of the following charge(s) has been taken or the charge(s) have been otherwise dismissed, including dismissal by accord and satisfaction pursuant to Va. Code § 19.2-151

After receiving the criminal history record information from the Central Criminal Records Exchange (CCRE) and

conducting a hearing on the petition relating to the following charges

AND/OR

waiving a hearing on the petition for expungement of the following misdemeanor charge(s) upon receipt of written notice from the attorney for the Commonwealth that he does not object to the petition,

AND/OR

waiving a hearing on the petition for expungement of the following felony charge(s) upon receipt of written notice and stipulation from the attorney for the Commonwealth that he does not object to the petition and that the continued existence and possible dissemination of information relating to the arrest of the petitioner causes or may cause circumstances which constitute a manifest injustice to the petitioner,

the court FINDS that

the continued existence and possible dissemination of information relating to the arrest of the petitioner causes or may cause circumstances that constitute a manifest injustice to the petitioner.

the petitioner has no prior criminal record, the arrest was for a misdemeanor and the Commonwealth did not show good cause why the police and court records relating to the charge should not be expunged.

The court has received the attached copy of a writ of actual innocence pursuant to Va. Code § 19.2-327.5 or § 19.2-327.13 vacating a conviction

Pursuant to Va. Code § 2.2-402, the court has received the attached copy of an absolute pardon granted by the Governor.

Case No.

The court ORDERS that:

The police and court records, including electronic records, relating to the following charge(s) be expunged pursuant to subsection F (acquittal/dismissal) subsection I (absolute pardon) subsection J (writ of actual innocence) of Va. Code § 19.2-392.2

.....
LIST CHARGE(S) INCLUDING CIRCUIT COURT AND GENERAL DISTRICT COURT CASE NUMBERS, IF KNOWN

The clerk of this court shall send a copy of this ORDER, along with a copy of the PETITION FOR EXPUNGEMENT or writ of actual innocence, to the Department of State Police to be acted upon in accordance with the rules and regulations adopted pursuant to Va. Code § 9.1-134.

The court FINDS that the statutory requirements for expungement have not been satisfied for the following charge(s) and therefore, the court ORDERS that the petition be denied as to the following charge(s).

.....
LIST CHARGE(S)

.....
DATE

.....
JUDGE

I certify that I forwarded a copy of this ORDER, along with a copy of the PETITION FOR EXPUNGEMENT or a copy of the writ of actual innocence, to the Virginia Department of State Police

on

DATE

.....
CLERK