|  |  |
| --- | --- |
| MUNICIPAL COURT, CITY/TOWN OF \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_Address:  |  |
| The City/Town of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ by and on Behalf of the People of the State of Colorado, Plaintiff,v.\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, Defendant. | ▲ **COURT USE ONLY** ▲ |
|  | Case Number:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_  |
| **PETITION TO EXPUNGE CRIMINAL JUSTICE RECORDS** |

**1.** The Petitioner is: (check one only)

[ ] the Defendant(Petitioner) and the primary subject of the criminal justice records.

[ ] the Attorney of record for the Defendant.

**2.** Information about the Defendant (Petitioner):

Date of Birth: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Current Mailing Address: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

City, State, Zip Code: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Home Phone #: \_\_\_\_\_\_\_\_\_\_\_\_\_ Work Phone #:\_\_\_\_\_\_\_\_\_\_\_\_\_ Cell #: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**3.** The Defendant (Petitioner) was a juvenile at the time of the commission of the alleged offenses in this case and states (check all that apply):

[ ] The case is dismissed or

[ ] The Petitioner fully comply with your sentence and pay all outstanding restitution, fines, and fees, and

[ ] The Petitioner has no pending felony, misdemeanor, petty offense or delinquency actions.

**4.** The Defendant (Petitioner) asks this Court for an Order to Expunge the Criminal Justice Records in the custody of the following agencies:

[ ] \_\_\_\_\_\_\_\_\_ Municipal Court Case Number: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ [ ] \_\_\_\_\_\_\_\_\_ Police Department Case Number: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

[ ] City Attorney/Prosecutor’s Office

[ ] Colorado Bureau of Investigation

[ ] Colorado Judicial Branch – Office of the State Court Administrator

[ ] Other: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**VERIFICATION AND ACKNOWLEDGMENT**

I (Petitioner) swear or affirm under oath, and under penalty of perjury, that I have read the foregoing *Petition to Expunge Criminal Justice Records* and that the statements set forth therein are true and correct to the best of my knowledge and belief.

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Signature of Defendant (Petitioner) Date Signature of Attorney (if any) Date

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Signature of Parent/Guardian (if under 18) Date

**CERTIFICATE OF SERVICE**

I certify that on \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ (date) and true and accurate copy of this Petition to Expunge Criminal Records was served on the Prosecuting Attorney by:

[ ] Hand Delivery, [ ] E-filed, [ ] Faxed to this number \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ or [ ] by placing it in the United States mail, postage pre-paid, and addressed to the following:

Longmont City Prosecutor

225 Kimbark Street

Longmont, CO 80501

Phone: 303-651-8619

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Signature of Petitioner

**ADVISEMENT OF YOUR RIGHT TO EXPUNGEMENT OF CRIMINAL RECORDS**

You may have the records in this case expunged by order of this Court if you were a juvenile at the time of the commission of the alleged offenses in this case, and

* Your case is dismissed or
* You fully comply with your sentence and pay all outstanding restitution, fines, and fees, and
* You have no pending felony, misdemeanor, petty offense or delinquency actions.

Expunging your records means that:

* You may lawfully assert that you have no juvenile delinquency record related to this case and that these records do not exist.
* You may lawfully deny ever being arrested, charged, convicted or sentenced in the expunged matter.

If the Prosecutor does not object to the expungement, the Court will automatically expunge your records 42 days after either a dismissal or full compliance with your sentence. Should the Prosecutor object, the Court will set the case for a hearing and the Court will decide if your records should be expunged.

If the Court orders your records expunged, the Court will send a copy of the Order to

* You, the juvenile defendant,
* Your attorney (if any),
* The Prosecuting Attorney, and
* The Longmont Police Department or any other local law enforcement agency whose officer issued the citation.

**Within 7 days of receipt of the Order of Expungement, you must provide a list of any other agencies to whom you wish the Court to send its Expungement Order and the Court will notify those agencies. After 7 days have passed, the Court will provide the Order free of charge to you and you may give the Order to any entity who may have possession of criminal justice records. You may provide your list of agencies below:**

[x] Longmont Police Department [ ]

[x] Colorado Bureau of Investigation (CBI) [ ]

[x] Longmont Municipal Prosecutor’s Office [ ]

[x] Office of the State Court Administrator [ ]

**Municipal court employees cannot provide legal advice, and you should seek legal counsel if you have questions regarding this process.**

|  |  |
| --- | --- |
| MUNICIPAL COURT, CITY/TOWN OF \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_Address:  |  |
| The City/Town of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ by and on Behalf of the People of the State of Colorado, Plaintiff,v.\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, Defendant. | ▲ **COURT USE ONLY** ▲ |
|  | Case Number:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_  |
| ORDER OF EXPUNGEMENT OF CRIMINAL JUSTICE RECORDS |

Information about the Defendant:

Defendant’s Name \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Date of Birth: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Current Mailing Address: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

City, State, Zip Code: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Home Phone #: \_\_\_\_\_\_\_\_\_\_\_\_\_ Work Phone #:\_\_\_\_\_\_\_\_\_\_\_\_\_ Cell #: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

The Court Orders that the Criminal Justice Records of this case be expunged so that the juvenile may assert that they have no juvenile delinquency record and may lawfully deny that they have ever been arrested, charged, adjudicated, convicted, or sentenced in regard to this expunged case, matter or charge. As grounds, the Court makes the following findings:

[ ] The case is eligible for expungement pursuant to 19-1-306 C.R.S.

[ ] The juvenile has completed the sentence for this case including the payment of restitution, fines, and fees OR the charges have been dismissed.

[ ] The prosecuting attorney did not file an objection to the expungement OR the Court, after opportunity for hearing, finds that expungement is appropriate because the juvenile has been rehabilitated and the expungement is in the best interest of the juvenile and the community.

The Court Orders that this Order of Expungement of Criminal Justice Records be sent to the agencies listed below and the Court Orders that each agency listed expunge the records in its custody pertaining to this case within 35 days of receipt of the Order as required by 19-1-306(11) C.R.S.

IT IS SO ORDERED.

DONE AND SIGNED this \_\_\_\_\_ day of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, 20\_\_\_\_\_.

 BY THE COURT

 \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

 Municipal Judge

**CERTIFICATE OF SERVICE**

I certify that on \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ (date) and true and accurate copy of this Order to Expunge Criminal Records was served [ ] Hand Delivery, [ ] E-filed, [ ] Faxed to this number \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ or [ ] by placing it in the United States mail, postage pre-paid, and addressed to the following:

[ ] \_\_\_\_\_\_\_\_\_\_\_ Municipal Court Case Number: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ [ ] \_\_\_\_\_\_\_\_\_\_\_ Police Department Case Number: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

[ ] City Attorney/Prosecutor’s Office

[ ] Colorado Bureau of Investigation

[ ] Colorado Judicial Branch – Office of the State Court Administrator

[ ] Other: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_