

Livingston Parish Clerk of Court



JASON B. HARRIS
Clerk of Court

P.O. BOX 1150
Livingston, Louisiana 70754
225.686.2216

EXPUNGEMENT FORMS

****NOTICE****

The Clerk of Court's Office provides forms for expungements as a resource only.
(Refer to Louisiana Code of Criminal Procedure, Arts. 971 - 997)

The Livingston Parish Clerk of Court's Office is prohibited from providing legal advice. This office cannot assist applicants in completing expungement forms. The applicant must complete the forms or seek qualified legal counsel for assistance.

EXPUNGEMENT FEES MUST BE FURNISHED WITH SEPARATE MONEY ORDERS

\$200.00 made payable to Livingston Parish Clerk of Court

\$50.00 made payable to Livingston Parish Sheriff's Office

\$50.00 made payable to 21st Judicial District Attorney

\$250.00 made payable to Louisiana Bureau of Criminal Identification

****IF DWI CONVICTION****

Two (2) additional \$50.00 money orders made payable to Office of Motor Vehicle

If your Motion and Order for Expungement is **ONLY** for a misdemeanor conviction for a first offense possession of marijuana, tetrahydrocannabinol, or chemical derivatives thereof, and it has been at least 90 days since the date of conviction, your fees are as follows and must be furnished with separate money orders.

\$150.00 made payable to Livingston Parish Clerk of Court

\$50.00 made payable to Livingston Parish Sheriff's Office

\$50.00 made payable to 21st Judicial District Attorney

\$50.00 made payable to Louisiana Bureau of Criminal Identification

The applicable processing fees are **non-refundable** even if the court does not grant the motion for expungement.

STATE OF LOUISIANA

NO. _____ DIV _____

VERSUS

_____ JUDICIAL DISTRICT COURT

PARISH OF _____

STATE OF LOUISIANA

CERTIFICATION OF FEE WAIVER

To be completed by defendant and submitted to the District Attorney's Office prior to filing. Append completed form to Motion of Expungement at filing only if eligible.

DEFENDANT NAME	
DATE OF BIRTH	
SSN# (last 4 digits)	XXX-XX-
DATE OF ARREST	
DOCKET NUMBER	
CHARGE	

In accordance with Louisiana Code of Criminal Procedure Article 983, the Office of the District Attorney has reviewed the available databases and determined that:

(Check all that apply. To be completed by authorized personnel from the District Attorney's Office and returned within 15 days to defendant.):

The arrestee listed above has NO FELONY CONVICTIONS.

AND

The arrestee listed above has NO PENDING FELONY CHARGES UNDER A BILL OF INDICTMENT OR INFORMATION.

AND

The arrestee listed above WAS ACQUITTED after trial of all charges derived from the arrest listed above, including any lesser and included offense.

OR

The arrestee listed above WAS NOT PROSECUTED WITHIN THE TIME LIMITATIONS prescribed in Chapter 1 of Title XVII of the Code of Criminal Procedure and the arrestee did not participate in a pretrial diversion program for the arrest listed above.

OR

The case involving the arrestee listed above was dismissed or the district attorney declined to prosecute the case prior to the time limitations prescribed in Chapter 1 of Title XVII of the Code of Criminal Procedure, and the arrestee did not participate in a pretrial diversion program.

OR

The arrestee listed above has been determined to be factually innocent and entitled to compensation for a wrongful conviction pursuant to the provisions of R.S. 15:572.8.

OR

The arrestee listed above is a juvenile who has successfully completed any juvenile drug court program and is exempt from fees pursuant to Code of Criminal Procedure Article 983 (G).

District Attorney or his designee - Print Name

District Attorney or his designee - Signature

_____, 20_____
Date

STATE OF LOUISIANA

NO. _____ DIV _____

VERSUS

_____ JUDICIAL DISTRICT COURT

PARISH OF _____

STATE OF LOUISIANA

MOTION FOR EXPUNGEMENT

NOW INTO COURT comes mover, who provides the court with the following information in connection with this request:

I. DEFENDANT INFORMATION

NAME: _____ (Last Name) _____ (First Name) _____ (Middle Initial)

DOB: _____ / _____ / _____ (MM/DD/YYYY)

GENDER: _____ Female _____ Male

SSN (last 4 digits): XXX-XX-_____

RACE: _____

DRIVER LIC.#: _____

ARRESTING AGENCY: _____

SID# (if available): _____

ARREST NUMBER (ATN): _____

AGENCY ITEM NO: _____

Mover is entitled to expunge the record of his arrest/conviction pursuant to Louisiana Code of Criminal Procedure 971 et seq. and states the following in support:

II. ARREST INFORMATION

1. Mover was arrested on _____ / _____ / _____ (MM/DD/YYYY)

2. YES NO A supplemental sheet with arrests and/or convictions is attached after page 2 of this Motion.

3. Mover was:
 YES NO Arrested, but it did not result in conviction
 YES NO Convicted of and seeks to expunge a misdemeanor
 YES NO Convicted of and seeks to expunge a felony
 YES NO Convicted but determined to be factually innocent and entitled to compensation for a wrongful conviction pursuant to the provisions of R.S. 15:572.8

4. Mover was booked and/or charged with the following offenses: (List each offense booked and charged separately. Please number each item numerically beginning with Number 1. Attach a supplemental sheet, if necessary.)

Yes No ARRESTS THAT DID NOT RESULT IN CONVICTION

NO. _____ La. Rev. Stat. Ann. § _____
Name of the offense _____

- Time expired for prosecution _____ / _____ / _____ (MM/DD/YYYY)
 Not prosecuted for any offense arising out of this charge
 Pre-trial Diversion Program
 DWI Pre-Trial Diversion Program and 5 years have elapsed since the date of arrest
 Charge dismissed
 Found not guilty/judgment of acquittal

NO. _____ La. Rev. Stat. Ann. § _____ : _____
 Name of the offense _____

Time expired for prosecution ____/____/____ (MM/DD/YYYY)
 Not prosecuted for any offense arising out of this charge
 Pre-trial Diversion Program
 Charge dismissed
 Found not guilty/judgment of acquittal

NO. _____ La. Rev. Stat. Ann. § _____ : _____
 Name of the offense _____

Time expired for prosecution ____/____/____ (MM/DD/YYYY)
 Not prosecuted for any offense arising out of this charge
 Pre-trial Diversion Program
 Charge dismissed
 Found not guilty/judgment of acquittal

Yes No **MISDEMEANOR CONVICTIONS**

NO. _____ La. Rev. Stat. Ann. § _____ : _____
 Name of the offense _____

Conviction set aside/dismissed ____/____/____
 Pursuant to C.Cr.P. Art. 894(B) (MM/DD/YYYY)
 More than 5 years have passed since complete of sentence.

NO. _____ La. Rev. Stat. Ann. § _____ : _____
 Name of the offense _____

Conviction set aside/dismissed ____/____/____
 Pursuant to C.Cr.P. Art. 894(B) (MM/DD/YYYY)
 More than 5 years have passed since complete of sentence.

Yes No **FELONY CONVICTIONS**

NO. _____ La. Rev. Stat. Ann. § _____ : _____
 Name of the offense _____

Conviction set aside/dismissed ____/____/____
 Pursuant to C.Cr.P. Art. 893(E) (MM/DD/YYYY)
 More than 10 years have passed since complete of sentence.
 Received a first offender pardon for an eligible offense.

NO. _____ La. Rev. Stat. Ann. § _____ : _____
 Name of the offense _____

Conviction set aside/dismissed ____/____/____
 Pursuant to C.Cr.P. Art. 893(E) (MM/DD/YYYY)
 More than 10 years have passed since complete of sentence.
 Received a first offender pardon for an eligible offense.

Yes No **OPERATING A MOTOR VEHICLE WHILE INTOXICATED CONVICTIONS**

Mover has attached the following:

A certified letter of compliance in accordance with C.Cr.P. Art. 984 from the Department of Public Safety and Corrections, office of motor vehicles that it has received from the clerk of court a certified copy of the record of the plea, fingerprints of the defendant, and proof of the requirements set forth in C.Cr.P. Art. 556, which shall include the defendant's date of birth, last four digits of social security number, and driver's license number

5..Mover has attached to this Motion the following pertinent documents:

- Criminal Background Check from the La. State Police/Parish Sheriff dated within the past 60 days (required).
- Bill(s) of Information (if any).
- Minute entry showing final disposition of case (if any).
- Certification Letter from the District Attorney for fee waiver (if eligible).
- Certification Letter from the District Attorney verifying that the applicant has no convictions or pending applicable criminal charge in the requisite time periods.
- Certification Letter from the District Attorney verifying that the charges were refused.
- Certification Letter from the District Attorney verifying that the applicant did not participate in a pretrial diversion program.
- A copy of a first offender pardon.
- A copy of the order waiving the sex offender registration and notification requirements.
- A copy of the court order determination of factual innocence and order of compensation for a wrongful conviction pursuant to the provisions of R.S. 15:572.8 if applicable.

Yes No Mover was arrested with another individual.

The Mover prays that if there is no objection timely filed by the arresting law enforcement agency, the district attorney's office, or the Louisiana Bureau of Criminal Identification and Information, that an order be issued herein ordering the expungement of the record of arrest and/or conviction set forth above, including all photographs, fingerprints, disposition, or any other such information, which record shall be confidential and no longer considered a public record, nor be made available to other persons, except a prosecutor, member of a law enforcement agency, or a judge who may request such information in writing, certifying that such request is for the purpose of prosecuting, investigating, or enforcing the criminal law, for the purpose of any other statutorily defined law enforcement or administrative duties, or for the purpose of the requirements of sex offender registration and notification pursuant to the provisions of R.S. 15:541, et seq. or as an order of this Court to any other person for good cause shown, or as otherwise authorized by law.

If an "Affidavit of No Opposition" by each agency named herein is attached hereto and made a part hereof, Defendant requests that no contradictory hearing be required and the Motion be granted ex parte.

Respectfully submitted,

Signature of Attorney for Mover/Defendant

Print Name of Attorney

Attorney's Bar Roll No.

Address

City, State, ZIP Code

Telephone Number

If not represented by counsel:

Signature of Mover/Defendant

Print Name

Address

City, State, ZIP Code

Telephone Number

STATE OF LOUISIANA

NO. _____ DIV _____

VERSUS

_____ JUDICIAL DISTRICT COURT

PARISH OF _____

STATE OF LOUISIANA

AFFIDAVIT OF RESPONSE

Pursuant to Louisiana Code of Criminal Procedure Article 980, the District Attorney for the Parish of _____ acknowledges the following:

- No Opposition.** Respondent respectfully consents to waiver of the contradictory hearing.
- Opposition to the Motion of Expungement/Interim Expungement with Reasons.** Respondent respectfully requests a contradictory hearing.

OR

Pursuant to Louisiana Code of Criminal Procedure Article 980, the Louisiana Bureau of Criminal Identification and Information acknowledges the following:

- No Opposition.** Respondent respectfully consents to waiver of the contradictory hearing.
- Opposition to the Motion of Expungement/Interim Expungement with Reasons.** Respondent respectfully requests a contradictory hearing.

OR

Pursuant to Louisiana Code of Criminal Procedure Article 980, the arresting law enforcement agency _____ acknowledges the following:

- No Opposition.** Respondent respectfully consents to waiver of the contradictory hearing.
- Opposition to the Motion of Expungement/Interim Expungement with Reasons.** Respondent respectfully requests a contradictory hearing.

Respectfully submitted,

Signature of District Attorney

Print Name

Signature of Louisiana Bureau of Criminal Identification and Information

Print Name

Signature of the Arresting Law Enforcement Agency

Print Name

STATE OF LOUISIANA

NO. _____ DIV _____

VERSUS

_____ JUDICIAL DISTRICT COURT

PARISH OF _____

STATE OF LOUISIANA

ORDER

IT IS HEREBY ORDERED,

If there is an objection to the Motion for Expungement/Interim Expungement, the district attorney and the arresting law enforcement agency shall file a motion to object within 60 days of the service of this Order.

If the Louisiana Bureau of Criminal Identification and Information objects to the Motion for Expungement/Interim Expungement, they shall file a motion within 60 days of service of this Order.

NO CONTRADICTIONARY HEARING SHALL BE REQUIRED as evidenced by the "Affidavit of No Opposition" executed by each agency named herein and attached to the Motion for Expungement/Interim Expungement.

THUS ORDERED AND SIGNED this _____ day of _____, 20____ at _____, Louisiana.

JUDGE

Print Name

PLEASE SERVE THE FOLLOWING:

1) District Attorney: _____
(Name and Address)

2) LA Bureau of Criminal Identification and Information: Louisiana State Police, Superintendent of Records, 7919 Independence Blvd., Baton Rouge, LA 70806

3) Arresting Agency: _____
(Name and Address)

CERTIFICATE OF SERVICE

Pursuant to LA CCrP Article 979, I hereby certify that I have served the foregoing Motion for Expungement/Interim Expungement, Affidavit of Response and Order to the named entities as listed above on this _____ day of _____, 20____, by:

Placing in U.S. Mail

Electronic Transmission

Deputy Clerk of Court

Parish of _____

STATE OF LOUISIANA

NO. _____ DIV _____

VERSUS

_____ JUDICIAL DISTRICT COURT

PARISH OF _____

STATE OF LOUISIANA

ORDER OF EXPUNGEMENT OF ARREST/CONVICTION RECORD

Considering the Motion for Expungement

- The hearing conducted and evidence adduced herein, OR
- Affidavits of No Opposition filed,

IT IS ORDERED, ADJUDGED AND DECREED

THE MOTION IS DENIED for No(s) _____ for the following reasons (check all that apply):

- More than five years have not elapsed since Mover completed the misdemeanor conviction sentence.
- More than ten years have not elapsed since Mover completed the felony conviction sentence.
- Mover was convicted of one of the following ineligible felony offenses:
 - A violation of the Uniform Controlled Dangerous Substances Law which is ineligible to be expunged.
 - An offense currently listed as a sex offense that requires registration pursuant to La. Rev. Stat. Ann. 15:540 et seq., at the time the Motion was filed, regardless of whether the duty to register was ever imposed.
 - An offense defined or enumerated as a "crime of violence" pursuant to La. Rev. Stat. Ann. 14:2(B) at the time the motion was filed.
- The arrest and conviction being sought to have expunged is for operating a motor vehicle while intoxicated and a copy of the proof from the Department of Public Safety and Corrections, office of motor vehicles, is not attached as required by C.Cr.P. Art. 984(A).
- Mover was convicted of a misdemeanor which arose from circumstances involving or is the result of an arrest for a sex offense as defined in R.S. 15:541.
- Mover was convicted of a domestic abuse battery.
- Mover was convicted of misdemeanor stalking as defined in R.S. 14:40.2
- Mover did not complete pretrial diversion.
- The charges against the mover were not dismissed or refused.
- Mover's felony conviction was not set aside and dismissed pursuant to Code of Criminal Procedure Article 893(E).
- Mover's misdemeanor conviction was not set aside and dismissed pursuant to Code of Criminal Procedure Article 894(B).
- Mover completed a DWI pretrial diversion program, but five years have not elapsed since the mover's date of arrest.
- Mover's conviction for felony carnal knowledge of a juvenile is not defined as misdemeanor carnal knowledge of a juvenile had the mover been convicted on or after August 15, 2001.

SID# (if available): _____

ARREST NUMBER (ATN): _____

AGENCY ITEM NUMBER: _____

ARREST DATE: _____ / _____ / _____ (MM/DD/YYYY)

THUS ORDERED AND SIGNED this _____ day of _____, 20 _____
at _____, Louisiana.

JUDGE

Print Name

PLEASE SERVE THE FOLLOWING:

1. District Attorney: _____
(Name and Address)

2. Louisiana Bureau of Criminal Identification and Information: Louisiana State Police, Superintendent of Records, 7919 Independence Blvd., Baton Rouge, LA 70806

3. Arresting Agency: _____
(Name and Address)

4. Sheriff: _____
(Name and Address)

5. Attorney for Defendant (or defendant): _____

(Name and Address)

6. Clerk of Court: _____
(Name and Address)

CERTIFICATE OF SERVICE

Pursuant to LA CCrP Article 979, I hereby certify that I have served the foregoing Order of Expungement to the named entities as listed above on this _____ day of _____, 20 _____, by:

Placing in U.S. Mail

Electronic Transmission

Deputy Clerk of Court

Parish of _____

STATE OF LOUISIANA

NO. _____ DIV _____

VERSUS

_____ JUDICIAL DISTRICT COURT

PARISH OF _____

STATE OF LOUISIANA

MOTION FOR INTERIM EXPUNGEMENT

NOW INTO COURT comes mover, who provides the court with the following information in connection with this request:

I. DEFENDANT INFORMATION

NAME: _____
(Last Name) (First Name) (MI)

DOB: _____ / _____ / _____ (MM/DD/YYYY)

GENDER: _____ Female _____ Male

SSN (last 4 digits): XXX-XX-_____

RACE: _____

DRIVER LIC.#: _____

ARRESTING AGENCY: _____

SID# (if available): _____

ARREST NUMBER (ATN): _____

AGENCY ITEM NO: _____

Mover is entitled to an interim expungement of the entry of the felony charge(s) of his arrest pursuant to Louisiana Code of Criminal Procedure Article 985.1 and states the following in support:

II. ARREST INFORMATION

1. Mover was arrested on _____ / _____ / _____ (MM/DD/YYYY)

2. YES NO A supplemental sheet with arrests and/or convictions is attached after page 2 of this Motion.

3. Mover was:
 YES NO Arrested for a felony offense.
 YES NO Convicted of a misdemeanor arising out of that felony offense.

4. Mover was booked and/or charged with the following offenses: (List each offense booked and charged separately. Please number each item numerically beginning with Number 1. Attach a supplemental sheet, if necessary.)

Yes No **FELONY ARREST THAT RESULTED IN A MISDEMEANOR CONVICTION**

ITEM NO. _____ La. Rev. Stat. Ann. § _____ : _____
Name of the offense _____
_____ / _____ / _____ (MM/DD/YYYY)

Felony charge dismissed.
 Convicted of misdemeanor offense arising out of felony arrest.

5. Mover has attached to his Motion a criminal background check from the Louisiana State Police/Parish Sheriff dated within the past sixty days (required).

The mover prays that if there is no objection timely filed by the arresting law enforcement agency, the District Attorney's Office, or the Louisiana Bureau of Criminal Identification and Information, that an order be issued herein ordering the Louisiana Bureau of Criminal Identification and Information to expunge the entry of the felony charge(s) listed contained in the criminal history; and further that the Clerk of Court, District Attorney, and arresting law enforcement agency expunge the entry of those felony charge(s) from any public indices.

If an "Affidavit of No Opposition" by each agency named herein is attached hereto and made a part hereof, Defendant requests that no contradictory hearing be required and the Motion be granted ex parte.

Respectfully submitted,

Signature of Attorney for Mover/Defendant

Print Name of Attorney

Attorney's Bar Roll No.

Address

City, State, ZIP Code

Telephone Number

If not represented by counsel:

Signature of Mover/Defendant

Print Name

Address

City, State, ZIP Code

Telephone Number

STATE OF LOUISIANA

NO. _____ DIV _____

VERSUS

_____ JUDICIAL DISTRICT COURT

PARISH OF _____

STATE OF LOUISIANA

ORDER OF EXPUNGEMENT OF INTERIM ARREST RECORD

Considering the Motion for Expungement

- The hearing conducted and evidence adduced herein, OR
- Affidavits of No Opposition filed,

IT IS ORDERED, ADJUDGED AND DECREED

THE MOTION IS DENIED for the following reasons (check all that apply):

- Mover was not arrested for a felony.
- Mover was not convicted of a misdemeanor offense.

THE MOTION IS HEREBY GRANTED and the Louisiana Bureau of Criminal Identification and Information is hereby ordered to expunge the entry of the felony charge(s) contained in the criminal history of the above-named for the following felony charge(s):

La. R.S. _____ : _____
 Name of Offense _____
 La. R.S. _____ : _____
 Name of Offense _____

IT IS FURTHER ORDERED that the Clerk of Court, District Attorney and arresting agency expunge the entry of the felony charge(s) from any public indices of the above-named on the above enumerated charge(s).

THUS ORDERED AND SIGNED this _____ day of _____, 20 _____ at _____, Louisiana.

JUDGE

Print Name

PLEASE SERVE THE FOLLOWING:

1. District Attorney: _____
(Name and Address)
2. Louisiana Bureau of Criminal Identification and Information: Louisiana State Police, Superintendent of Records, 7919 Independence Blvd., Baton Rouge, LA 70806
3. Arresting Agency: _____
(Name and Address)
4. Sheriff: _____
(Name and Address)
5. Attorney for Defendant (or defendant): _____

(Name and Address)
6. Clerk of Court: _____
(Name and Address)

CERTIFICATE OF SERVICE

Pursuant to LA CCrP Article 979, I hereby certify that I have served the foregoing Order of Expungement of Interim Arrest Record to the named entities as listed above on this _____ day of _____, 20 _____, by:

- Placing in U.S. Mail
- Electronic Transmission

Deputy Clerk of Court

Parish of _____

SUPPLEMENTAL SHEET

___ Yes ___ No MISDEMEANOR CONVICTIONS

NO. _____ La. Rev. Stat. Ann. § _____ : _____
Name of the offense _____
 Conviction set aside/dismissed _____ / _____ / _____
pursuant to C.Cr.P. Art. 894(B) (MM/DD/YYYY)
 More than 5 years have passed since completion of sentence.

NO. _____ La. Rev. Stat. Ann. § _____ : _____
Name of the offense _____
 Conviction set aside/dismissed _____ / _____ / _____
pursuant to C.Cr.P. Art. 894(B) (MM/DD/YYYY)
 More than 5 years have passed since completion of sentence.

NO. _____ La. Rev. Stat. Ann. § _____ : _____
Name of the offense _____
 Conviction set aside/dismissed _____ / _____ / _____
pursuant to C.Cr.P. Art. 894(B) (MM/DD/YYYY)
 More than 5 years have passed since completion of sentence.

NO. _____ La. Rev. Stat. Ann. § _____ : _____
Name of the offense _____
 Conviction set aside/dismissed _____ / _____ / _____
pursuant to C.Cr.P. Art. 894(B) (MM/DD/YYYY)
 More than 5 years have passed since completion of sentence.

NO. _____ La. Rev. Stat. Ann. § _____ : _____
Name of the offense _____
 Conviction set aside/dismissed _____ / _____ / _____
pursuant to C.Cr.P. Art. 894(B) (MM/DD/YYYY)
 More than 5 years have passed since completion of sentence.

NO. _____ La. Rev. Stat. Ann. § _____ : _____
Name of the offense _____
 Conviction set aside/dismissed _____ / _____ / _____
pursuant to C.Cr.P. Art. 894(B) (MM/DD/YYYY)
 More than 5 years have passed since completion of sentence.

NO. _____ La. Rev. Stat. Ann. § _____ : _____
Name of the offense _____
 Conviction set aside/dismissed _____ / _____ / _____
pursuant to C.Cr.P. Art. 894(B) (MM/DD/YYYY)
 More than 5 years have passed since completion of sentence.

SUPPLEMENTAL SHEET

____ Yes ____ No **FELONY CONVICTIONS**

NO. _____ La. Rev. Stat. Ann. § _____ : _____
Name of the offense _____
 Conviction set aside/dismissed _____ / _____ / _____
pursuant to C.Cr.P. Art. 893(E) (MM/DD/YYYY)
 More than 10 years have passed since completion of sentence
 Received a first offender pardon for an eligible offense

NO. _____ La. Rev. Stat. Ann. § _____ : _____
Name of the offense _____
 Conviction set aside/dismissed _____ / _____ / _____
pursuant to C.Cr.P. Art. 893(E) (MM/DD/YYYY)
 More than 10 years have passed since completion of sentence
 Received a first offender pardon for an eligible offense

NO. _____ La. Rev. Stat. Ann. § _____ : _____
Name of the offense _____
 Conviction set aside/dismissed _____ / _____ / _____
pursuant to C.Cr.P. Art. 893(E) (MM/DD/YYYY)
 More than 10 years have passed since completion of sentence
 Received a first offender pardon for an eligible offense

NO. _____ La. Rev. Stat. Ann. § _____ : _____
Name of the offense _____
 Conviction set aside/dismissed _____ / _____ / _____
pursuant to C.Cr.P. Art. 893(E) (MM/DD/YYYY)
 More than 10 years have passed since completion of sentence
 Received a first offender pardon for an eligible offense

NO. _____ La. Rev. Stat. Ann. § _____ : _____
Name of the offense _____
 Conviction set aside/dismissed _____ / _____ / _____
pursuant to C.Cr.P. Art. 893(E) (MM/DD/YYYY)
 More than 10 years have passed since completion of sentence
 Received a first offender pardon for an eligible offense

NO. _____ La. Rev. Stat. Ann. § _____ : _____
Name of the offense _____
 Conviction set aside/dismissed _____ / _____ / _____
pursuant to C.Cr.P. Art. 893(E) (MM/DD/YYYY)
 More than 10 years have passed since completion of sentence
 Received a first offender pardon for an eligible offense

NO. _____ La. Rev. Stat. Ann. § _____ : _____
Name of the offense _____
 Conviction set aside/dismissed _____ / _____ / _____
pursuant to C.Cr.P. Art. 893(E) (MM/DD/YYYY)
 More than 10 years have passed since completion of sentence
 Received a first offender pardon for an eligible offense

NO. _____ La. Rev. Stat. Ann. § _____ : _____
Name of the offense _____
 Conviction set aside/dismissed _____ / _____ / _____
pursuant to C.Cr.P. Art. 893(E) (MM/DD/YYYY)
 More than 10 years have passed since completion of sentence
 Received a first offender pardon for an eligible offense

TRANSMITTAL OF RECORDS OF DWI PLEA PURSUANT TO ARTICLE 894

Clerk of Court

Judicial District

Parish

Date

OFFICE OF MOTOR VEHICLES
P.O. BOX 64886
BATON ROUGE, LA 70896

NAME: _____ DRIVER'S LICENSE #: _____

DATE OF BIRTH: _____ OFFENSE DATE: _____

SS#: _____ DOCKET NO.: _____

TICKET NO: _____

Attached is a certified copy of the court minutes, original/certified copy of fingerprints and proof of the requirements as set forth in the Code of Criminal Procedure Article 556.1, as well as a \$50.00 money order or certified funds made payable to the office of motor vehicles, in reference to the above named defendant is attached.

NOTE: Do not use this form to submit records of a DWI expungement pursuant to Code of Criminal Procedure Article 894.

**TRANSMITTAL OF RECORDS FOR EXPUNGEMENT OF DWI
PURSUANT TO C.Cr.P. Art 984**

Clerk of Court

Judicial District

Parish

Date

OFFICE OF MOTOR VEHICLES
P.O. BOX 64886
BATON ROUGE, LA 70896

NAME: _____ DRIVER'S LICENSE #: _____

DATE OF BIRTH: _____ OFFENSE DATE: _____

SS#: _____ DOCKET NO.: _____

TICKET NO: _____

Attached is a certified copy of the court minutes, original/certified copy of fingerprints and proof of the requirements as set forth in the Code of Criminal Procedure Article 556.1. Additionally, a \$50.00 money order or certified funds made payable to the office of motor vehicles, in reference to the above named defendant is attached; or

Attached is a copy of the certified letter received from the office of motor vehicles indicating that all of the required documents were previously filed in conjunction with the requirements of Code of Criminal Procedure Article 894 and are on file. Additionally, a \$50.00 money order or certified funds made payable to the office of motor vehicles is attached.

NOTE: Do not use this form to submit records of a DWI plea pursuant to Code of Criminal Procedure Article 894(A)(5).

STATE OF LOUISIANA

NO. _____ DIV _____

VERSUS

_____ JUDICIAL DISTRICT COURT

PARISH OF _____

STATE OF LOUISIANA

**MOTION TO SET ASIDE CONVICTION AND
DISMISS PROSECUTION**

NOW INTO HONORABLE COURT, comes

Defendant, OR

Defendant through undersigned Counsel,

who moves that the conviction pursuant to Louisiana Code of Criminal Procedure

894(B) Misdemeanors, OR

893(E) Felonies

in the above numbered case be set aside and that the prosecution dismissed in accordance with the Code of Criminal Procedure in that the period of the deferred sentence has run and petitioner has successfully completed the terms of his probation.

The mover is further identified below:

DOCKET NUMBER: _____

CHARGE: _____

DATE OF ARREST: _____

ARRESTING AGENCY: _____

CITY/PARISH OF ARREST: _____

The Mover prays that, after a contradictory hearing with the District Attorney's Office, the Court order the above numbered case be set aside and that the prosecution dismissed in accordance with the Code of Criminal Procedure.

Respectfully submitted,

Signature of Attorney for Mover/Defendant

Print Name of Attorney

Attorney's Bar Roll No.

Address

City, State, ZIP Code

Telephone Number

If not represented by counsel:

Signature of Mover/Defendant

Print Name

Address

City, State, ZIP Code

Telephone Number

STATE OF LOUISIANA

NO. _____ DIV _____

VERSUS

_____ JUDICIAL DISTRICT COURT

PARISH OF _____

STATE OF LOUISIANA

RULE TO SHOW CAUSE

IT IS HEREBY ORDERED that the District Attorney show cause on the _____ day of _____, 20 _____, at _____ o'clock __m why the foregoing motion should not be granted.

THUS ORDERED AND SIGNED this _____ day of _____, 20 _____ at _____, Louisiana.

JUDGE

Print Name

PLEASE SERVE:

1. District Attorney: _____
2. Attorney for Defendant and/or Defendant _____

STATE OF LOUISIANA

NO. _____ DIV _____

VERSUS

_____ JUDICIAL DISTRICT COURT

PARISH OF _____

STATE OF LOUISIANA

ORDER OF DISMISSAL

Considering the Motion to Set Aside Conviction and Dismiss Prosecution, the hearing conducted on the representation of the State of Louisiana of its consent hereto, and that there is no opposition for any good cause appearing herein;

IT IS ORDERED, ADJUDGED AND DECREED that this conviction is set aside and the prosecution dismissed for purposes of expungement.

THUS ORDERED AND SIGNED this _____ day of _____, 20____
at _____, Louisiana.

JUDGE

Print Name

PLEASE SERVE:

1. District Attorney: _____

2. Attorney for Defendant and/or Defendant: _____

STATE OF LOUISIANA

NO. _____ DIV ____

VERSUS

_____ JUDICIAL DISTRICT COURT

PARISH OF _____

STATE OF LOUISIANA

MOTION FOR EXPUNGEMENT FOR MISDEMEANOR CONVICTION FOR A FIRST OFFENSE POSSESSION OF MARIJUANA

NOW INTO COURT comes mover, who provides the court with the following information in connection with this request:

I. DEFENDANT INFORMATION

NAME: _____
(Last, First, MI)

DOB: _____ / _____ / _____ (MM/DD/YYYY)

GENDER _____ Female _____ Male

SSN (last 4 digits): XXX-XX-_____

RACE: _____

DRIVER LIC.# _____

ARRESTING AGENCY: _____

SID# (if available): _____

ARREST NUMBER (ATN): _____

AGENCY ITEM NO.: _____

Mover is entitled to expunge the record of his arrest/conviction pursuant to Louisiana Code of Criminal Procedure Article 971 et seq. and states the following in support:

II. MISDEMEANOR CONVICTION FOR A FIRST OFFENSE POSSESSION OF MARIJUANA

1. Mover was convicted on _____ / _____ / _____ (MM/DD/YYYY)

The Mover prays that if there is no objection timely filed by the arresting law enforcement agency, the district attorney's office, or the Louisiana Bureau of Criminal Identification and Information, that an order be issued herein ordering the expungement of the record of arrest and/or conviction set forth above, including all photographs, fingerprints, disposition, or any other such information, which record shall be confidential and no longer considered a public record, nor be made available to other persons, except a prosecutor, member of a law enforcement agency, or a judge who may request such information in writing, certifying that such request is for the purpose of prosecuting, investigating, or enforcing the criminal law, for the purpose of any other statutorily defined law enforcement or administrative duties, or for the purpose of the requirements of sex offender registration and notification pursuant to the provisions of R.S. 15:541 et seq. or as an order of this court to any other person for good cause shown, or as otherwise authorized by law.

If an "Affidavit of No Opposition" by each agency named herein is attached hereto and made a part hereof, defendant requests that no contradictory hearing be required, and the motion be granted ex parte.

Respectfully submitted,

Signature of Attorney for Mover/Defendant

Attorney for Mover/Defendant Name

Attorney's Bar Roll No.

Address

City, State, ZIP Code

Telephone Number

If not represented by counsel:

Signature of Mover/Defendant

Mover/Defendant Name

Address

City, State, ZIP Code

Telephone Number

STATE OF LOUISIANA

NO. _____ DIV _____

VERSUS

_____ JUDICIAL DISTRICT COURT

PARISH OF _____

STATE OF LOUISIANA

AFFIDAVIT OF RESPONSE

Pursuant to Louisiana Code of Criminal Procedure Article 980, the District Attorney for the Parish of _____ acknowledges the following:

- No Opposition.** Respondent respectfully consents to waiver of the contradictory hearing.
- Opposition to the Motion of Expungement/Interim Expungement with Reasons.** Respondent respectfully requests a contradictory hearing.

OR

Pursuant to Louisiana Code of Criminal Procedure Article 980, the Louisiana Bureau of Criminal Identification and Information acknowledges the following:

- No Opposition.** Respondent respectfully consents to waiver of the contradictory hearing.
- Opposition to the Motion of Expungement/Interim Expungement with Reasons.** Respondent respectfully requests a contradictory hearing.

OR

Pursuant to Louisiana Code of Criminal Procedure Article 980, the arresting law enforcement agency _____ acknowledges the following:

- No Opposition.** Respondent respectfully consents to waiver of the contradictory hearing.
- Opposition to the Motion of Expungement/Interim Expungement with Reasons.** Respondent respectfully requests a contradictory hearing.

Respectfully submitted,

Signature of District Attorney

Print Name

Signature of Louisiana Bureau of Criminal Identification and Information

Print Name

Signature of the Arresting Law Enforcement Agency

Print Name

STATE OF LOUISIANA

NO. _____ DIV _____

VERSUS

_____ JUDICIAL DISTRICT COURT

PARISH OF _____

STATE OF LOUISIANA

ORDER

IT IS HEREBY ORDERED,

If there is an objection to the Motion for Expungement/Interim Expungement, the district attorney and the arresting law enforcement agency shall file a motion to object within 60 days of the service of this Order.

If the Louisiana Bureau of Criminal Identification and Information objects to the Motion for Expungement/Interim Expungement, they shall file a motion within 60 days of service of this Order.

NO CONTRADICTORY HEARING SHALL BE REQUIRED as evidenced by the "Affidavit of No Opposition" executed by each agency named herein and attached to the Motion for Expungement/Interim Expungement.

THUS ORDERED AND SIGNED this _____ day of _____, 20____ at _____, Louisiana.

JUDGE

Print Name

PLEASE SERVE THE FOLLOWING:

1) District Attorney: _____
(Name and Address)

2) LA Bureau of Criminal Identification and Information: Louisiana State Police, Superintendent of Records, 7919 Independence Blvd., Baton Rouge, LA 70806

3) Arresting Agency: _____
(Name and Address)

CERTIFICATE OF SERVICE

Pursuant to LA CCrP Article 979, I hereby certify that I have served the foregoing Motion for Expungement/Interim Expungement, Affidavit of Response and Order to the named entities as listed above on this _____ day of _____, 20____, by:

Placing in U.S. Mail

Electronic Transmission

Deputy Clerk of Court

Parish of _____

STATE OF LOUISIANA

NO. _____ DIV _____

VERSUS

_____ JUDICIAL DISTRICT COURT

PARISH OF _____

STATE OF LOUISIANA

ORDER OF EXPUNGEMENT OF ARREST/CONVICTION RECORD

Considering the Motion for Expungement

- The hearing conducted and evidence adduced herein, OR
- Affidavits of No Opposition filed,

IT IS ORDERED, ADJUDGED AND DECREED

THE MOTION IS DENIED for No(s) _____ for the following reasons (check all that apply):

- More than five years have not elapsed since Mover completed the misdemeanor conviction sentence.
- More than ten years have not elapsed since Mover completed the felony conviction sentence.
- Mover was convicted of one of the following ineligible felony offenses:
 - A violation of the Uniform Controlled Dangerous Substances Law which is ineligible to be expunged.
 - An offense currently listed as a sex offense that requires registration pursuant to La. Rev. Stat. Ann. 15:540 et seq., at the time the Motion was filed, regardless of whether the duty to register was ever imposed.
 - An offense defined or enumerated as a "crime of violence" pursuant to La. Rev. Stat. Ann. 14:2(B) at the time the motion was filed.
- The arrest and conviction being sought to have expunged is for operating a motor vehicle while intoxicated and a copy of the proof from the Department of Public Safety and Corrections, office of motor vehicles, is not attached as required by C.Cr.P. Art. 984(A).
- Mover was convicted of a misdemeanor which arose from circumstances involving or is the result of an arrest for a sex offense as defined in R.S. 15:541.
- Mover was convicted of a domestic abuse battery.
- Mover was convicted of misdemeanor stalking as defined in R.S. 14:40.2
- Mover did not complete pretrial diversion.
- The charges against the mover were not dismissed or refused.
- Mover's felony conviction was not set aside and dismissed pursuant to Code of Criminal Procedure Article 893(E).
- Mover's misdemeanor conviction was not set aside and dismissed pursuant to Code of Criminal Procedure Article 894(B).
- Mover completed a DWI pretrial diversion program, but five years have not elapsed since the mover's date of arrest.
- Mover's conviction for felony carnal knowledge of a juvenile is not defined as misdemeanor carnal knowledge of a juvenile had the mover been convicted on or after August 15, 2001.

SID# (if available): _____

ARREST NUMBER (ATN): _____

AGENCY ITEM NUMBER: _____

ARREST DATE: _____ / _____ / _____ (MM/DD/YYYY)

THUS ORDERED AND SIGNED this _____ day of _____, 20____
at _____, Louisiana.

JUDGE

Print Name

PLEASE SERVE THE FOLLOWING:

- 1. District Attorney: _____
(Name and Address)
- 2. Louisiana Bureau of Criminal Identification and Information: Louisiana State Police, Superintendent of Records, 7919 Independence Blvd., Baton Rouge, LA 70806
- 3. Arresting Agency: _____
(Name and Address)
- 4. Sheriff: _____
(Name and Address)
- 5. Attorney for Defendant (or defendant): _____

(Name and Address)
- 6. Clerk of Court: _____
(Name and Address)

CERTIFICATE OF SERVICE

Pursuant to LA CCrP Article 979, I hereby certify that I have served the foregoing Order of Expungement to the named entities as listed above on this _____ day of _____, 20____, by:

- Placing in U.S. Mail
- Electronic Transmission

Deputy Clerk of Court
Parish of _____