IN THE CIRCUIT/COUNTY COURT OF THE NINETEENTH JUDICIAL CIRCUIT, IN AND FOR INDIAN RIVER COUNTY, FLORIDA

State of Florida Case Number(s): _____

_____

vs _____

_____ Division: _____
(Defendant's Name)

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 (Expungement) or ☐943.059 (Sealing) Florida Statutes, to ☐Expunge or ☐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 _____ (date) by _____ (arresting agency), for _____ _____ (charges), and as grounds therefore shows:

1. On _____ (date of arrest), the petitioner _____, a _____ (race/sex), whose date of birth is _____ (date of birth), was arrested by _____ (arresting agency), and charged with _____ (charges).

2. The petitioner has not been adjudicated guilty of nor adjudicated guilty of 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 offense or a comparable ordinance violation, in this state nor adjudicated delinquent for committing a felony or a misdemeanor specified in section 943.051(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, Florida Statutes, 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 this criminal history record information; or an indictment, information, or other charging document filed against the petitioner who is the subject of this criminal history information was dismissed by the prosecutor or the court.

6. A Certificate of Eligibility for ☐ expunction or ☐ sealing of nonjudicial criminal history records issued by the Florida Department of Law Enforcement accompanies this petition.

WHEREFORE, the petitioner moves to ☐ expunge or ☐ 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 Nineteenth Judicial Circuit, in and for Indian River County, ☐ Special Prosecutor, ☐ Statewide Prosecutor; AND to the arresting agency _____ (arresting agency); Indian River County Sheriff; and the Florida Department of Law Enforcement, on _____ (date).

Defendant Name or Attorney: _____

Address: _____

City/State: _____

Telephone Number: _____

E-mail Address: _____

Florida Bar Number: _____

IN THE CIRCUIT/COUNTY COURT OF THE NINETEENTH JUDICIAL CIRCUIT, IN AND FOR INDIAN RIVER COUNTY, FLORIDA

State of Florida Case Number(s): _____

_____

vs _____

_____ Division: _____

(Defendant's Name)

SWORN STATEMENT

State of Florida County
of Indian River

I, _____, (name of defendant/petitioner) 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 the terms of this sworn statement.

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 Statues.

3. I was arrested on _____ (date), 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 the 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 _____.

_____
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:

IN THE CIRCUIT/COUNTY COURT OF THE NINETEENTH JUDICIAL CIRCUIT, IN AND FOR INDIAN RIVER COUNTY, FLORIDA

State of Florida Case Number(s): _____

_____

vs _____

_____ Division: _____

(Defendant's Name)

ORDER TO EXPUNGE UNDER SECTION 943.0585, 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 on _____ (date), 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. A Certificate of Eligibility issued by the Florida Department of Law Enforcement accompanied the petition for expunction of non-judicial criminal history records. Whereupon it is

ORDERED AND ADJUDGED 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 Indian River 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 expunge 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 943.0585, Florida Statutes, and Florida Rule of Criminal Procedures 3.692.

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

DONE AND ORDERED in Indian River County, Florida, on _____ (date).

_____
Judge

IN THE CIRCUIT/COUNTY COURT OF THE NINETEENTH JUDICIAL CIRCUIT, IN AND FOR INDIAN RIVER COUNTY, FLORIDA

State of Florida Case Number(s): _____

_____

vs _____

_____ Division: _____
(Defendant's Name)

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 petitioner's petition to seal records concerning the petitioner's arrest on _____ (date), by the _____ _____ (arresting agency), and the court having heard argument of counsel and being otherwise fully advised in the premises, the court here by finds:

1. The petitioner has never been previously adjudicated guilty of a criminal offense or 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 the instant 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.

4. A Certificate of Eligibility issued by the Florida Department of Law Enforcement accompanied the instant petition for sealing non-judicial criminal history records. Whereupon it is

ORDERED AND ADJUDGED that the petition to seal is hereby 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 Indian River County, who will comply with the procedures set forth in section 943.059, 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 Procedures 3.692.

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

DONE AND ORDERED in Indian River County, Florida, on _____ (date).

_____
Judge