

CAUSE NO. \_\_\_\_\_  
Will be furnished upon filing

EX PARTE

- \* IN THE ADDISON MUNICIPAL COURT
- \* OF RECORD
- \* OF DALLAS COUNTY, TEXAS

\_\_\_\_\_  
PETITIONER (Print full name)

**EX PARTE PETITION FOR EXPUNCTION<sup>1</sup>**

**TO THE HONORABLE JUDGE OF SAID COURT:**

COMES NOW \_\_\_\_\_, Petitioner, and says:  
(Print full name)

**1. Required Identifying Information**

Petitioner has the following description:

Race: \_\_\_\_\_

Sex: \_\_\_\_\_

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

Driver's License Number: \_\_\_\_\_

Social Security Number: \_\_\_\_\_

Address at Time of Arrest: \_\_\_\_\_

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

\_\_\_\_\_  
<sup>1</sup> This form is provided for the convenience of the public and is not intended as a substitute for independent legal analysis by an attorney. Persons are strongly encouraged to consult an attorney with any questions regarding their eligibility for relief under Tex. Code Crim. Proc. Ann. art. 55.01.

**2. Required Offense and Arrest Information**

Petitioner can establish his/her eligibility for expunction under Tex. Code Crim. Proc. Ann. art. 55.01 for the following arrests:

Offense: \_\_\_\_\_  
Offense Date: \_\_\_\_\_  
Arrest Date: \_\_\_\_\_  
Case Number : \_\_\_\_\_  
Service Number: \_\_\_\_\_  
Arresting Agency: ADDISON POLICE DEPARTMENT  
Filing Agency: ADDISON POLICE DEPARTMENT  
City and County of Arrest: Addison, Dallas County  
DPS Tracking Number (TRN): \_\_\_\_\_

Offense: \_\_\_\_\_  
Offense Date: \_\_\_\_\_  
Arrest Date: \_\_\_\_\_  
Case Number : \_\_\_\_\_  
Service Number: \_\_\_\_\_  
Arresting Agency: ADDISON POLICE DEPARTMENT  
Filing Agency: ADDISON POLICE DEPARTMENT  
City and County of Arrest: Addison, Dallas County  
DPS Tracking Number (TRN): \_\_\_\_\_

### 3. Legal Grounds for Expunction<sup>2</sup>

Petitioner is eligible for expunction of his/her criminal arrest **and can establish** the eligibility requirements contained in subsection “A,” “B,” or “C” as provided below:

#### 3.1 Acquittal, Pardon, or Actual Innocence Exoneration

- a.  The Petitioner was charged by indictment, information, or complaint and thereafter ACQUITTED by the trial court, Court of Appeals, or Court of Criminal Appeals, AND the Petitioner is not subject to prosecution for or was not convicted of another offense arising out of the same criminal episode as defiled by Penal Code 3.01; or
- b.  The Petitioner was convicted and subsequently PARDONED by the Governor; or
- c.  The Petitioner was convicted and subsequently PARDONED or granted relief based on a court finding of ACTUAL INNOCENCE.

#### 3.2 No charges have been filed

- a.  The Petitioner was arrested/cited for a Class C misdemeanor offense, at least 180 days has elapsed since the date of arrest, and the Petitioner has not been charged with a felony as a result of the same transaction; or
- b.  The Attorney representing the State certifies that the applicable records and files are not needed for use in any criminal investigation or prosecution, including an investigation or prosecution of another person; or
- c.  Prosecution of the person for the offense is barred by Statute of Limitations.

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<sup>2</sup> An arrest resulting in CONVICTION, or resulting in DEFERRED ADJUDICATION COMMUNITY SUPERVISION (PROBATION) for an offense other than a Class C misdemeanor IS NOT ELIGIBLE FOR EXPUNCTION.

**3.3 Charges filed and indictment, information, or citation dismissed or quashed**

- a. The Petitioner has been released and the charge, if any, has not resulted in a final conviction and is no longer pending and there was not court-ordered community supervision under Article 42.12 for the offense, unless the offense is a Class C misdemeanor, the charges were dismissed or quashed, AND
  - i.  The Class C complaint was dismissed or quashed **BECAUSE the presentment had been made because of mistake, false information, or other similar reason indicating absence of probable cause at the time of the dismissal to believe the person committed the offense;** or
  - ii.  The Class C complaint was dismissed or quashed **BECAUSE the indictment or information was VOID;** or
  - iii.  Prosecution of the person for the offense is barred by Statute of Limitations.
  - iv.  the offense for which the Petitioner was arrested/cited is a Class C misdemeanor filed in a justice or municipal court, the citation was not issued for a violation under Tex. Alch. Beverage Code § 106., and the Petitioner received and successfully completed deferred adjudication under the terms set forth under Tex. Code Crim. Proc. Ann. art. 45.051(a)(e).

**4. Respondents - State governmental agencies and entities**

The following law enforcement agencies and other governmental entities **of this State** with information related to above identified arrest(s) include the following named Respondents:

- 1. Addison Prosecutor’s Office for itself.
- 2. Arresting Agency: Addison Police Department  
Mailing Address: 4799 Airport Parkway  
Addison, TX 75001
- 3. Court: Addison Municipal Court of Record  
Mailing Address: 4799 Airport Parkway  
Addison, TX 75001
- 4. Jail  Carrollton City Jail (Arrests Thru September 30, 2022)  
2025 Jackson Rd.  
Carrollton, TX 75006  
or  
 Grapevine Police Department (Arrests October 1, 2022 and after)  
Records Department  
1007 Ira E. Woods Avenue  
Grapevine, TX 76051

5. Texas Department of Public Safety  
Crime Records Division – MSC 0234  
Post Office Box 4143  
Austin, Texas 78765-4143

6. Texas Department of Criminal Justice – CJAD  
Lee Downing, CSTS Administrator  
209 W. 14<sup>th</sup>, Suite 400  
Austin, Texas 78701

**7. Private entities and out of agencies with criminal history record information subject to notification by the Texas Department of Public Safety of order granting expunction include:**

7.1 Any entity that purchases criminal history record information from the DPS in accordance with Tex. Code Crim. Proc. Ann. § 3(c-2);

YOU MUST PROVIDE EMAIL ADDRESS OR FAX NUMBER

7.2 \_\_\_\_\_;

7.3 \_\_\_\_\_

7.4 \_\_\_\_\_

**8. Prayer**

Petitioner therefore prays that:

(1) this case be set for hearing at the earliest practical time after 30 days from the date of filing of this petition;

(2) the clerk deliver, email or fax copies of this petition and of the order setting hearing date to Respondents; and

(3) at the hearing, expunction be granted.

Respectfully submitted,

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Telephone: \_\_\_\_\_

**VERIFICATION (Signed Before a Notary Public)**

I hereby swear that the facts alleged herein are true and correct to the best of my knowledge.

\_\_\_\_\_

SUBSCRIBED TO AND SWORN BEFORE ME on the \_\_\_\_\_ day of \_\_\_\_\_,  
20\_\_\_\_.

NOTARY PUBLIC in and for  
\_\_\_\_\_ County, Texas

**ORDER SETTING HEARING DATE**

This case will be heard on \_\_\_\_\_, 20\_\_\_\_, at \_\_\_\_\_ o'clock  
\_\_\_\_.m. as shown in the attached order of setting.

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

\_\_\_\_\_  
JUDGE