

CAUSE NO. _____

Will be furnished upon filing

EX PARTE

* IN THE ADDISON MUNICIPAL COURT

* OF RECORD

* OF DALLAS COUNTY, TEXAS

PETITIONER (Print full name)

ORDER GRANTING EXPUNCTION

1. Petitioner named above has the following description:

Race:

Sex:

Date of Birth:

Texas Driver's License Number:

Social Security Number:

Address at the time of arrest:

2. The Court finds that the petitioner is entitled to expunction of the following arrest(s) by the Addison Police Department:

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. Respondents are:

3.1 Addison Prosecutor's Office for itself.

3.2 Addison Police Department
4799 Airport Parkway
Addison, Texas 75001

3.3 Addison Municipal Court
4799 Airport Parkway
Addison, Texas 75001

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

3.5 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

3.6 THE TEXAS DEPARTMENT OF PUBLIC SAFETY, AND NOT THE DISTRICT CLERK, IS HEREBY REQUIRED TO PROVIDE “NOTICE OF THE ORDER TO ANY **PRIVATE ENTITY** THAT IS NAMED IN THE ORDER OR THAT PURCHASES CRIMINAL HISTORY RECORD INFORMATION FROM THE DEPARTMENT” IN ACCORDANCE WITH TEX. CODE CRIM. PROC. ANN. ART. 55.02, § 3(c-2) (VERNON SUPP. 2007). THE NOTICE MUST INCLUDE AN EXPLANATION OF THE EFFECT OF THE ORDER AND A REQUEST THAT THE ENTITY MUST DESTROY ANY INFORMATION IN THE POSSESSION OF THE ENTITY THAT IS SUBJECT TO THE ORDER.

3.7 PETITIONER HAS REASON TO BELIEVE THAT BY INPUT INTO THE NATIONAL CRIME INDEX COMPUTER, THE **FEDERAL BUREAU OF INVESTIGATION** MAY HAVE STORED INFORMATION CONCERNING THE ARREST FOR WHICH THIS PETITION IS BEING BROUGHT. WHILE THESE FEDERAL AGENCIES ARE NOT "RESPONDENTS" IN THE STATE PROCEEDINGS, PURSUANT TO TEXAS CODE OF CRIMINAL PROCEDURE ART. 55.02, SECTION 3(A), THE TEXAS DEPARTMENT OF PUBLIC SAFETY SHALL FORWARD THE FINAL ORDER EMANATING FROM THE STATE PROCEEDINGS TO THE FBI.

4. The Court finds that respondents have been served with a copy of the petition as required by law.

5. IT IS THEREFORE ORDERED that all records and files pertaining to the arrest be expunged. Related arrests (same or similar charge, date, or arresting agency) not specifically listed herein are excluded from this expunction order. However, records of such unexpunged arrests which would not have been generated except for the expunged arrest shall be expunged.

6. The phrase “all records and files pertaining to the arrest” includes records and files which were generated by respondents during this expunction proceeding, including the copies of the petition (and of this order) which are served on each respondent.
7. In accordance with TEX. CODE CRIM. PROC. ANN. Art. 55.06, the phrase “all records and files pertaining to the arrest” does not include records relating to the suspension or revocation of a driver’s license, permit, or privilege to operate a motor vehicle except as provided in TEX. TRANS. CODE ANN. § 524.015 and § 724.048.
8. Response
 - 8.1 Records and files pertaining to the arrest shall be expunged by turning them in to the clerk of this court, in a sealed envelope, by hand delivery or by email to:

Addison Municipal Court
4799 Airport Parkway
Addison, Texas 75001
 - 8.2 Videotapes and audiotapes shall be expunged by erasing them.
 - 8.3 Records which pertain both to this arrest and to other arrests which are not included in this order, and which would have been generated even if the expunged arrest had not been made, shall be obliterated (covered with tape, liquid paper, or other opaque substance) only insofar as they pertain to this arrest. A photocopy of such records, partially obliterated, shall be forwarded to the Clerk as specified in 8.1.
 - 8.4 Each respondent that has sent information concerning the arrest to a central federal depository shall request such depository to return all records and files subject to the order of expunction.
 - 8.5 Each respondent shall attach a certificate to the sealed envelope, certifying that these are all the expunged records; and, if the respondent has sent information concerning the arrest to a central federal depository, it shall also certify that the respondent requested such depository to return all records and files subject to the order of expunction.
 - 8.6 Alternatively, records pertaining to this arrest may be expunged by the record keeping agency obliterating or destroying the records. The agency shall then send a certificate to the Clerk's Office certifying that the records have been destroyed.
9. No copy of this order shall be given to petitioner, nor to any respondent, nor to any other person, until it has become final. When it has become final, the clerk shall notify the petitioner or attorney for the petitioner by email.

10. If the petitioner should file a civil action arising out of his arrest which is the subject of this expunction, he necessarily by his own allegations makes the materials contained in the expunged records, as well as the contents of the expunction file, a matter of public record subject to discovery proceedings. *W.V. v. State*, 669 S.W.2d 376, 379 (Tex. App.—Dallas 1984, writ ref'd n.r.e.). If the expunction file is still in the Addison Clerk's custody, the person seeking discovery of its contents shall notify the Addison Clerk and the Prosecutor's Office. Upon motion and order, the clerk of this court shall deliver the expunction file to the clerk of the civil court where said action is pending, taking his receipt for the same.

11. The clerk of the court shall destroy all files or other records collected or maintained pursuant to this expunction on or after the first anniversary of the date the order of expunction was issued, unless the records or files were released to the petitioner before that date pursuant to court order.

All relief prayed for not herein specifically granted is hereby denied.

SIGNED this ____ day of _____, 20__.

JUDGE

APPROVED AS TO FORM:

ATTORNEY FOR PETITIONER or PRO SE