

SAMPLE NO. 2

SAMPLE MOTION AND ORDER FOR EXPUNGEMENT OF ARREST RECORDS
(This form is to serve as an example only. Photocopies of this form will not be accepted as an original motion and order. Original motions and orders should be typed or printed neatly.)

IN THE MUNICIPAL COURT OF WICHITA, KANSAS

CITY OF WICHITA,)	
)	
Plaintiff,)	
)	
v.)	
)	
JOHN DOE,)	WPD Case No. _____
)	
)	
Defendant,)	
_____)	

MOTION AND ORDER FOR EXPUNGEMENT OF ARREST RECORDS

COMES NOW, _____, Petitioner and moves the Court for an order of expungement, pursuant to Charter Ordinance No. 224, Section 13. In support of his/her motion, Petitioner would show the court the following:

1. Petitioner’s full name at the time of his/her arrest was _____. Petitioner’s current name is _____. Petitioner is a _____ [race/sex] whose date of birth is _____. Petitioner’s social security number is _____.
2. Petitioner was arrested on _____ [date] for the crime of _____ [charge] in violation of Section _____ of the Code of the City of Wichita.
3. The Wichita Police Department’s case number for the incident involving this arrest is _____.
4. There are grounds warranting expungement of Petitioner’s arrest, specifically, *[select one-four following reasons]* (1) the arrest occurred because of mistaken identity; (2) a court has found that there was no probable cause for the arrest; (3) the petitioner was found not guilty in court proceeding or (4) the expungement would be in the best interest of justice because charges have been dismissed or no charges have been or are likely to be filed.

WHEREFORE, Petitioner requests the Court enter an order expunging his/her record of arrest as set forth above, and grant any and all other further relief the court deems just and equitable.

Petitioner

ORDER FOR EXPUNGEMENT OF ARREST RECORD

NOW ON THIS ____ day of _____, _____, this matter comes on for hearing upon the Motion of the Petitioner for an order expunging his/her arrest record(s). The Petitioner appears in person [and by counsel, if applicable]. The City of Wichita appears by and through its attorney, _____.

The Court, after having examined the file and hearing the statements of counsel, finds:

1. Petitioner’s full name at the time of his/her arrest was _____. Petitioner’s current name is _____. Petitioner is a _____ [race/sex] whose date of birth is _____. Petitioner’s social security number is _____.
2. Petitioner was arrested on _____ [date] for the crime of _____ [charge] in violation of Section _____ of the Code of the City of Wichita.
3. The Wichita Police Department’s case number for the incident involving this arrest is _____.
4. There are grounds warranting expungement of Petitioner’s arrest, specifically (*list the grounds warranting expungement from the Petition for Expungement*).
5. That the defendant should be released from all penalties and disabilities resulting from said arrest and, except for the limitations set forth in Charter Ordinance 224, Section 13, the Petitioner shall be treated as not having been arrested for the crime set forth above.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that the arrest(s) set forth above are hereby expunged. The Petitioner shall be treated in all respects as not having been arrested for the aforementioned crime except for the limitations set forth in Charter Ordinance 224, Section 13, of the Code of the City of Wichita, Kansas, if applicable.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that subject to the disclosures required pursuant to Charter Ordinance 224, Section 13 of the Code of the City of Wichita, Kansas, in any application for employment, license or other civil right or privilege, or as part of any appearance as a witness, the Petitioner may state that she/he has never been arrested, in relation to the above incident.

IT IS SO ORDERED.

Municipal Court Judge

APPROVED:

Petitioner

Assistant City Attorney