

STATE OF LOUISIANA

FIRST PARISH COURT FOR THE PARISH OF JEFFERSON

No.: _____

Division: " _____ "

State of Louisiana

vs.

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,

If not represented by counsel:

Signature of Attorney for Mover/Defendant

Signature of Mover/Defendant

Attorney for Mover/Defendant Name

Mover/Defendant Name

Bar Roll No.

Telephone No.

Telephone No.

Address

Address

City, State, ZIP Code

City, State, ZIP Code

STATE OF LOUISIANA
FIRST PARISH COURT FOR THE PARISH OF JEFFERSON

No.: _____ **Division:** " _____ "

State of Louisiana

vs.

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 Metairie, Louisiana.

JUDGE, FIRST PARISH COURT

PLEASE SERVE:

- 1. District Attorney, First Parish Court, 924 David Dr., Metairie LA 70003
- 2. Attorney for Defendant and/or Defendant: _____

STATE OF LOUISIANA
FIRST PARISH COURT FOR THE PARISH OF JEFFERSON

No.: _____ **Division:** " _____ "

State of Louisiana
vs.

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 Metairie, Louisiana.

JUDGE, FIRST PARISH COURT

PLEASE SERVE:

- 1. District Attorney, First Parish Court, 924 David Dr., Metairie LA 70003
- 2. Attorney for Defendant and/or Defendant: _____

STATE OF LOUISIANA
FIRST PARISH COURT FOR THE PARISH OF JEFFERSON

No.: _____

State of Louisiana

Division: " _____ "

vs.

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

_____, 20____

District Attorney or his designee - Signature

Date

FIRST PARISH COURT FOR THE PARISH OF JEFFERSON

Division: "_____"

VS.

____ Yes ____ No

ARRESTS THAT DID NOT RESULT IN CONVICTION

NO. 1

La. Rev. Stat. Ann. § _____ : _____
Name of the offense _____
☐ Time expired for prosecution _____
(MM/DD/YYYY)

☐ Not prosecuted for any offense
rising 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. 2

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. 3

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. 1

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. 2

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.

____ Yes ____ No

FELONY CONVICTIONS

NO. 1

La. Rev. Stat. Ann. § _____ : _____
☐ 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

NO. 2

La. Rev. Stat. Ann. § _____ : _____
[] 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
[] Entitled to a first offender pardon for the offense pursuant to
Louisiana Constitution Article IV, Section 5(E)(1), provided that
the offense is not defined as a crime of violence pursuant to R.S.
14:2(B) or a sex offense pursuant to R.S. 15:541.

____ 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. 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 charges 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 the order waiving the sex offender registration and notification requirements.
- [] Documentation verifying that the mover has been employed for ten consecutive years.
- [] 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.

6. Mover was:

____ YES ____ NO 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

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

FIRST PARISH COURT FOR THE PARISH OF JEFFERSON

No.: _____

Division: " _____ "

State of Louisiana

vs.

AFFIDAVIT OF RESPONSE

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

- [] **No Opposition.** Respondent respectfully consents to waiver of the contradictory hearing.
- [] **Opposition to the Motion of 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 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 with Reasons.** Respondent respectfully requests a contradictory hearing.

Respectfully submitted,

Signature of Attorney

Attorney's Bar Roll No.

Telephone Number

Address

City, State, ZIP Code

PLEASE SERVE:

- 1. District Attorney, First Parish Court, 924 David Dr., Metairie LA 70003
- 2. La. Bureau of Criminal Identification and Information, c/o La. State Police, P.O. Box 66614, Baton Rouge LA 70896-6614
- 3. The Arresting Agency: _____

STATE OF LOUISIANA
FIRST PARISH COURT FOR THE PARISH OF JEFFERSON

No.: _____

Division: " _____ "

State of Louisiana

vs.

ORDER

IT IS HEREBY ORDERED,

- [] If there is an objection to the Motion for Expungement, the district attorney and the arresting law enforcement agency shall file a motion to object within sixty days of the service of this Order.
- [] If the Louisiana Bureau of Criminal Identification and Information objects to the Motion for Expungement, they shall file a motion within 120 days of the service of this order (prior to August 1, 2015) and within 60 days of service of this order (after August 1, 2015).
- [] **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.

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

JUDGE, FIRST PARISH COURT

PLEASE SERVE:

1. District Attorney, First Parish Court, 924 David Dr., Metairie LA 70003
2. La. Bureau of Criminal Identification and Information c/o La. State Police, P.O. Box 66614, Baton Rouge LA 70896-6614
3. Arresting Agency: _____

STATE OF LOUISIANA
FIRST PARISH COURT FOR THE PARISH OF JEFFERSON

No.: _____

Division: " _____ "

State of Louisiana

vs.

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). _____, _____, _____, _____, 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 has had another record of misdemeanor conviction expunged during the previous five-year period.
 - [] The record of arrest and conviction which Mover seeks to have expunged is for operating a motor vehicle while intoxicated and Mover has had another record of arrest and misdemeanor conviction expunged during the previous ten-year period.
 - [] Mover has had another record of felony conviction expunged during the previous fifteen-year period.
 - [] Mover was convicted of a misdemeanor which arose from circumstances involving a sex offense as defined in R.S. 15:541.

- ☐ Mover was convicted of misdemeanor offense of domestic abuse battery which was not dismissed pursuant to Code of Criminal Procedure Article 894(B).
 - ☐ 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 felony 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.
 - ☐ Mover has not been employed for ten consecutive years as required by C.Cr.P. Art. 978(E)(1)(d).
 - ☐ Mover was not convicted of a crime that would be eligible for expungement as required by C.Cr.P. Art. 978(E)(1).
 - ☐ Mover has criminal charges pending against him.
 - ☐ Mover was convicted of a criminal offense during the ten-year period.
 - ☐ Denial for any other reason provided by law with attached reasons for denial.
- ☐ **THE MOTION IS HEREBY GRANTED** for No(s). ____, ____, ____, ____, and all agencies are ordered to expunge the record of arrest/conviction and any photographs, fingerprints, or any other such information of any kind maintained in connection with the Arrest(s)/Conviction(s) in the above-captioned matter, which record shall be confidential and no longer considered a public record, nor be 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 upon an order of this Court to any other person for good cause shown, or as otherwise authorized by law.
- ☐ **THE MOTION IS HEREBY GRANTED FOR EXPUNGEMENT BY REDACTION** If the record includes more than one individual and the mover is entitled to expungement by redaction pursuant to Code of Criminal Procedure Article 985, for No(s). ____, ____, ____, ____, and all agencies are ordered to expunge the record of arrest/conviction and any photographs, fingerprints, or any other such information of any kind maintained in relation

to the Arrest(s)/Conviction(s) in the above-captioned matter as they relate to the mover only.

The record shall be confidential and no longer considered a public record, nor be 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 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 upon an order of this Court to any other person for good cause shown, or as otherwise authorized by law.

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.: _____

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

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

JUDGE, FIRST PARISH COURT

PLEASE SERVE:

1.

District Attorney, First Parish Court, 924 David Dr., Metairie LA 70003
2.

Arresting Agency: _____
3.

Jefferson Parish Sheriff, 1233 West Bank Expwy., Harvey, LA 70058
4.

La. Bureau of Criminal Identification and Information c/o La. State Police, P.O. Box 66614, Baton Rouge LA 70896-6614
5.

Attorney for Defendant (or defendant): _____
6.

Jefferson Parish Clerk of Court, First Parish Court, 924 David Dr., Metairie LA 70003

STATE OF LOUISIANA

FIRST PARISH COURT FOR THE PARISH OF JEFFERSON

No.: _____

Division: " _____ "

State of Louisiana

vs.

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, 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 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. Attach a supplemental sheet, if necessary.)

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

NO. 1

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

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

PLEASE SERVE:

1.

District Attorney, First Parish Court, 924 David Dr., Metairie LA 70003
2.

La. Bureau of Criminal Identification and Information c/o La. State Police, P.O. Box 66614, Baton Rouge LA 70896-6614
3.

Arresting Agency: _____

STATE OF LOUISIANA
FIRST PARISH COURT FOR THE PARISH OF JEFFERSON

No.: _____ Division: " _____ "

State of Louisiana
vs.

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
Metairie, Louisiana.

JUDGE, FIRST PARISH COURT

PLEASE SERVE:

- 1. District Attorney, First Parish Court, 924 David Dr., Metairie LA 70003
- 2. La. Bureau of Criminal Identification and Information c/o La. State Police, P.O. Box 66614, Baton Rouge LA 70896-6614
- 3. Arresting Agency: _____