

## **INSTRUCTIONS FOR FILING A MOTION TO EXPUNGE OR SEAL RECORD**

1. Fill in the required fields in the Motion to Expunge or Seal Record – The Defendant’s name, case number, bureau of criminal identification number, the count(s), charge(s), and disposition(s) of the case, and the name of the police department that charged the case. Also, indicate whether you are moving to seal or expunge your criminal records.
2. The Clerk’s Office will fill in the hearing date for the motion. The date will be at least ten (10) days from the date the motion is filed, because you are required under the law to provide at least ten (10) days’ notice of the hearing to the Office of the Attorney General and the police department that charged the case.
3. Certify that you have provided notice to the Office of the Attorney General and the police department that charged the case and then sign the motion.
4. In the Affidavit in Support of the Motion to Expunge or Seal Record, identify the part applicable to your motion.
  - Part One: If you were acquitted (found not guilty) or the case was dismissed.
  - Part Two:
    - A: If you were convicted of or placed on probation for a single misdemeanor offense; or
    - B: If you were convicted of or placed on probation for more than one (1) but less than six (6) misdemeanor offenses.
  - Part Three: If your case was placed on File for a period of one (1) year or a period of three (3) years if the charges were domestic related.
  - Part Four: If the offense has been decriminalized subsequent to the date of your conviction.
5. Put a check mark in the box for each statement that is true under the Part applicable to your motion (see above).
6. Sign the Affidavit in Support of the Motion to Expunge or Seal Record on the line marked “Signature of the Defendant” in the presence of a notary public or clerk.
7. Bring the Order for Expungement or Sealing of Record to the hearing.
8. If your motion is granted, the following conditions must be satisfied to complete the expungement process. All financial obligations owed (fines, fees, costs, restitution, and assessments) must be paid in full. Also, you will be required to pay a \$100 fee if the case resulted in a conviction. Upon all conditions being satisfied, the clerk’s office will prepare three (3) certified copies of the order. One copy is for your records, one (1) copy is for the Office of the Attorney General’s Bureau of Criminal Identification Unit (BCI), and one (1) copy is for the police department that charged the case. You are responsible to deliver the copies to these agencies.



**DISTRICT COURT**

**MOTION TO EXPUNGE OR SEAL RECORD**

|   |  |
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| <b>State of Rhode Island</b><br>v.<br><b>Defendant</b>  | <b>Case Number</b>   |
|   | <b>Bureau of Criminal Identification Number</b>  |
| <input type="checkbox"/> Murray Judicial Complex<br>2nd Division<br>45 Washington Square<br>Newport, Rhode Island 02840-2913    | <input type="checkbox"/> Noel Judicial Complex<br>3rd Division<br>222 Quaker Lane<br>Warwick, Rhode Island 02886-0107          |
| <input type="checkbox"/> McGrath Judicial Complex<br>4th Division<br>4800 Tower Hill Road<br>Wakefield, Rhode Island 02879-2239 | <input type="checkbox"/> Garrahy Judicial Complex<br>6th Division<br>One Dorrance Plaza<br>Providence, Rhode Island 02903-2719 |

Now comes the Defendant and requests that the above-referenced case containing the following charge(s) be  **expunged**  **sealed**.

|   |  |   |
|---|--|---|
| 1. Count(s):<br>_____<br>_____<br>_____ | 2. Charge(s):<br>_____<br>_____<br>_____ | 3. Disposition(s):<br>_____<br>_____<br>_____ |
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Wherefore, the Defendant respectfully moves this honorable court that:

- Pursuant to G.L. 1956 § 12-1-12, any fingerprints, photographs, physical measurements, or other record of identification taken by the Office of the Attorney General or any other authorized law enforcement agency shall be **destroyed**, all records of the Bureau of Criminal Identification (BCI) shall be **sealed**, and all court records shall be **sealed** in accordance with G.L. 1956 § 12-1-12.1.
- All records and records of conviction relating to the conviction of the above-referenced case be **expunged** and all index and other references to it removed from public inspection pursuant to G.L. 1956 § 12-1.3-3(c) or (e).

An Affidavit is submitted in support of this motion. This motion is called for a hearing on \_\_\_\_\_ at 9:00 a.m. in courtroom \_\_\_\_\_ at the court location listed above.

I hereby certify that pursuant to G.L. 1956 § 12-1-12.1(b) or § 12-1.3-3(a), on \_\_\_\_\_, the Office of the Attorney General and the \_\_\_\_\_ Police Department, which originally brought this charge, have been notified of this motion and court date at least ten (10) days prior to the hearing date.

|  |                          |
|--|--------------------------|
| /s/ _____<br>Attorney for the Defendant or the Defendant | Rhode Island Bar Number: |
|  | Date:                    |



## DISTRICT COURT

AFFIDAVIT IN SUPPORT OF MOTION TO  
EXPUNGE OR SEAL RECORD

|  |   |
|--|---|
| <b>State of Rhode Island</b><br>v.<br><b>Defendant</b> | <b>Case Number</b>                              |
|  | <b>Bureau of Criminal Identification Number</b> |

I, the undersigned, do hereby, under oath, make this affidavit in support of my Motion to Expunge or Seal Record:

- 
- Part One: Acquittals, Dismissals*
- That I was charged with the crime(s) listed in Box 2 of the motion.
  - That I was acquitted or otherwise exonerated of this offense(s).
  - That the case was dismissed against me.
  - That I have not been previously convicted of a felony.
  - That I have satisfied in full any and all outstanding court-imposed and/or court-related fines, fees, costs, assessments, and/or charges.

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- Part Two A: Single, Conviction, Probation*
- That I was charged with the crime listed in Box 2 of the motion.
  - That I received the disposition listed in Box 3 of the motion.
  - That the disposition listed in Box 3 of this motion is not a conviction for a crime of violence.
  - That I have not been convicted of more than one (1) misdemeanor preceding the filing of this motion and have not been convicted of a felony.
  - That it has been more than five (5) years from the date of the completion of my last sentence.
  - That in the five (5) years preceding the filing of this motion, I have not been convicted of nor arrested for any felony or misdemeanor.
  - That there are no criminal proceedings pending against me, and I have exhibited good moral character.
  - That I have satisfied in full any and all outstanding court-imposed and/or court-related fines, fees, costs, assessments, and/or charges.

- 
- Part Two B: Multiple Convictions, Probations*
- That I was charged with the crimes listed in Box 2 of the motion.
  - That I received the dispositions listed in Box 3 of the motion.
  - That none of the dispositions listed in Box 3 of this motion are convictions for a crime of violence.
  - That none of the dispositions listed in Box 3 of this motion are convictions under chapter 29 of title 12 (Domestic Violence Prevention Act), G.L. 1956 § 31-27-2 (Driving Under the Influence of Liquor or Drugs), or G.L. 1956 § 31-27-2.1 (Refusal to Submit to Chemical Test).
  - That I have not been convicted of more than five (5) misdemeanors preceding the filing of this motion and have not been convicted of a felony.



DISTRICT COURT

- That it has been more than ten (10) years from the date of the completion of my last sentence.
- That in the ten (10) years preceding the filing of this motion I have not been convicted of nor arrested for any felony or misdemeanor.
- That there are no criminal proceedings pending against me, and I have exhibited good moral character.
- That I have satisfied in full any and all outstanding court-imposed and/or court-related fines, fees, costs, assessments, and/or charges.

Part  
Three:  
Filings

- That I was charged with the crime listed in Box 2 of the motion.
- That the case was disposed of by a filing.
- That the crime listed in Box 2 of this motion is not a crime of domestic violence, and it has been more than one (1) year since the case was disposed of by a filing.
- That the crime listed in Box 2 of this motion is a crime of domestic violence, and it has been more than three (3) years since the case was disposed of by a filing.
- That I was not previously convicted of a felony or a private complaint.
- That I did not violate the terms of my filing.
- That I have satisfied in full any and all outstanding court-imposed and/or court-related fines, fees, costs, assessments, and/or charges.

Part  
Four:  
Decriminalized  
Offense

- That I was charged with the crime listed in Box 2 of the motion.
- That I received the disposition listed in Box 3 of the motion.
- That all conditions of the original criminal sentence have been completed.
- That I have satisfied in full any and all outstanding court-imposed and/or court-related fines, fees, costs, assessments, and/or charges.
- That the offense has been decriminalized subsequent to the date of my conviction.

|   |      |
|---|------|
| Signature of the Defendant<br><br>_____ | Date |
|---|------|

State of \_\_\_\_\_  
County of \_\_\_\_\_

On this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, before me, the undersigned notary public, personally appeared \_\_\_\_\_  personally known to me or  proved to me through satisfactory evidence of identification, which was \_\_\_\_\_, to be the person who signed above in my presence, and who swore or affirmed to me that the contents of the document are truthful to the best of his or her knowledge.

Notary Public: \_\_\_\_\_  
My commission expires: \_\_\_\_\_  
Notary identification number: \_\_\_\_\_