



STATE OF RHODE ISLAND

Justice Independence Honor

AND PROVIDENCE PLANTATIONS

DISTRICT COURT

STATE OF RHODE ISLAND :

vs. :

COMPLAINT NO.: _____

_____ :

MOTION TO EXPUNGE

Now comes _____, who was born on _____ and
Name of Defendant *Date of Birth*
requests that the following record be sealed and/or expunged:

Arraignment Date:

Charge:

Disposition:

This Motion is called for _____ at 9:00 a.m. in courtroom _____. I certify that the Attorney General's Office and the _____ Police Department, which originally brought this charge, have been notified of this motion and court date. In support of this motion, I rely upon the affidavit on the reverse.

Movant/Counsel

ORDER

After hearing and/or consideration of the movant's affidavit, it is hereby ordered:

- That the court records of the above matter are ordered sealed pursuant to G.L. 1956 § 12-1-12.1 and the police records of the above matter are ordered destroyed pursuant to G.L. 1956 § 12-1-12.
- That all records of the above matter are ordered expunged pursuant to G.L. 1956 § 12-1.3-3(c).

ENTER:

BY ORDER:

JUDGE

CLERK

Date _____

INSTRUCTIONS FOR FILING MOTION TO EXPUNGE

- 1. Fill in the blanks with the name of the defendant, the date of birth of the defendant, the number of the case, the arraignment date, the charge, and the disposition in the case. Also, fill in the name of the original police department which charged the case.
2. Fill in the court date. You must select a date which is at least ten (10) days in the future because the Attorney General's Office and the Police Department are entitled under law to ten (10) day's notice. You must also set the case down on the day of the week when the Attorney General's Office comes before the court; ask the clerk for the right day.
3. Sign the motion. By signing, you are certifying that the Police and the Attorney General's Office have been given ten (10) days notice.
4. Fill in a part of the following affidavit. Use part one if you were acquitted or the case was dismissed, part two if you were convicted or put on probation, and part three if your case was filed. Note: You fill in a part by checking the boxes before each statement which is true. Sign below on the line marked "Movant/Defendant" in the presence of a notary public or clerk and take the oath.
5. File the Motion with the Clerk's Office and appear in court before the Judge on the hearing date. Be on time!
6. If you win, get certified copies of the Order (the front page of this form) from the Clerk's Office and have them served on the Attorney General's Office and the police department which charged the case.

AFFIDAVIT

I, the undersigned, do hereby, under oath, make affidavit and say as follows:

- Part One: Acquittals - That I was charged with the crime listed on the front of this motion. That I was acquitted or otherwise exonerated of this offense. That I have not been previously convicted of a felony.
Part Two: Convictions, Probations - That I was charged with the crime listed on the front of this motion. That I received the disposition listed on the front of this motion. That, in the past five (5) years, I have not been convicted of nor arrested for any other misdemeanor or felony. That there are no criminal proceedings pending against me, and I have exhibited good moral character. That before this charge I was not convicted of or placed on probation for a felony or misdemeanor.
Part Three: Filings - That I was charged with the crime listed on the front of this motion. That the case was disposed of by a filing. That I was not previously convicted of a felony or a private complaint.

Movant/Defendant

Signed and sworn before me on this ___ day of ___, 20__.

My commission expires: ___
Notary identification number: ___

Notary Public/Clerk/Judge