

STATE OF INDIANA  
COUNTY OF ELKHART

IN THE ELKHART SUPERIOR/CIRCUIT COURT  
CAUSE NO: \_\_\_\_\_

IN RE THE PETITION FOR  
EXPUNGEMENT OF CONVICTION  
RECORDS OF:


\_\_\_\_\_  
Petitioner

**VERIFIED PETITION FOR EXPUNGEMENT/SEALING OF CONVICTION RECORDS**

I, \_\_\_\_\_, am self-represented and respectfully ask the Court to seal/expunge my records according to IC 35-38-9-6 et. seq.

**I swear and affirm under penalties of perjury that the following is true:**

1.  No current criminal charges or investigations are pending against me.
2.  I have not committed another felony or misdemeanor within the time required for expungement.
3.  I have satisfied all fines, fees, court costs, and restitution associated with all listed criminal incidents.
4.  **I know that Indiana law only allows me to ask for expungement of criminal records one time in my life and I have made a good faith effort to remember and get records for all of my criminal convictions.**
5.  I am not a sex or violent offender as defined in I.C. 11-8-8-5 and I have not been convicted of a crime that disqualifies me from receiving an expungement under I.C. 35-38-9 seq.
6.  I will serve a copy of this Verified Petition for Expungement on the Elkhart Prosecuting Attorney in accordance with the Indiana Rules of Trial Procedure.
7.  I have not and do not plan to file other criminal conviction expungement petitions.  
 I have filed or will file other criminal conviction expungement petitions in the counties listed in paragraph 12.
8.  The required amount of time has passed since my last criminal incident. **or**  
 The prosecuting attorney has given me written permission to file this expungement **early** (before the required amount of time had passed). The written permission is attached. **or**  
 I am asking the court to expunge **a felony conviction that resulted in serious bodily injury under I.C. 35-38-9-5** and the prosecutor has consented in writing. The prosecutor's consent is attached.

 If you have written permission from the prosecutor, you **must** attach the prosecutor's letter to this Petition when you file it with the court.

9. **My Name**  
Full Name: \_\_\_\_\_

All other names I have been known by: (Check here if *None* )

**10. My Identification**

Driver’s license number: \_\_\_\_\_

I do not have a driver’s license.

Last four of social security number: \_\_\_\_\_

Date of Birth: \_\_\_\_\_

**11. Addresses**

The first criminal conviction on my record happened on the date \_\_\_\_\_ and since that date I have lived at the following addresses:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Petitioner has attached an additional page marked as “Exhibit 1”, to the end of this petition that contains a list of the remaining addresses where petitioner has resided since the first criminal offense addressed in this petition.

**12. Criminal Conviction Information**

My entire criminal conviction information is listed below and/or on the attached forms. The conviction information was completed on today’s date \_\_\_\_\_.

Date of Arrest: \_\_\_\_\_

Date of Conviction: \_\_\_\_\_

Cause/Case Number: \_\_\_\_\_

County where I was convicted: \_\_\_\_\_

Arresting Agency: \_\_\_\_\_

Charges: \_\_\_\_\_

Dismissals: \_\_\_\_\_

Convictions: \_\_\_\_\_

Sentence: \_\_\_\_\_

This case was not appealed, or

This case was appealed and the appeals court issued an opinion on the date: \_\_\_\_\_

There are no collateral actions to this case.

There are collateral actions to this case. The case/cause numbers of the collateral actions and a short description are listed below.

Date of Arrest: \_\_\_\_\_  
Date of Conviction: \_\_\_\_\_  
Cause/Case Number: \_\_\_\_\_  
County where I was convicted: \_\_\_\_\_  
Arresting Agency: \_\_\_\_\_  
Charges: \_\_\_\_\_  
Dismissals: \_\_\_\_\_  
Convictions: \_\_\_\_\_  
Sentence: \_\_\_\_\_  
 This case was not appealed, or  
 This case was appealed and the appeals court issued an opinion on the date: \_\_\_\_\_  
  
 There are no collateral actions to this case.  
 There are collateral actions to this case. The case/cause numbers of the collateral actions and a short description are listed below.

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Date of Arrest: \_\_\_\_\_  
Date of Conviction: \_\_\_\_\_  
Cause/Case Number: \_\_\_\_\_  
County where I was convicted: \_\_\_\_\_  
Arresting Agency: \_\_\_\_\_  
Charges: \_\_\_\_\_  
Dismissals: \_\_\_\_\_  
Convictions: \_\_\_\_\_  
Sentence: \_\_\_\_\_  
 This case was not appealed, or  
 This case was appealed and the appeals court issued an opinion on the date: \_\_\_\_\_  
  
 There are no collateral actions to this case.  
 There are collateral actions to this case. The case/cause numbers of the collateral actions and a short description are listed below.

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Date of Arrest: \_\_\_\_\_  
Date of Conviction: \_\_\_\_\_  
Cause/Case Number: \_\_\_\_\_  
County where I was convicted: \_\_\_\_\_  
Arresting Agency: \_\_\_\_\_  
Charges: \_\_\_\_\_  
Dismissals: \_\_\_\_\_  
Convictions: \_\_\_\_\_  
Sentence: \_\_\_\_\_  
 This case was not appealed, or  
 This case was appealed and the appeals court issued an opinion on the date: \_\_\_\_\_

- There are no collateral actions to this case.
- There are collateral actions to this case. The case/cause numbers of the collateral actions and a short description are listed below.

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Petitioner has attached an additional page marked as “Exhibit A”, to the end of this petition listing other criminal convictions that have been entered against them.

13.  I do not have criminal convictions that are *more serious* than a Level 6 felony on my record.
- I have criminal convictions that are *more serious* than a Level 6 felony on my record and I would like the Court to consider the following information when deciding whether to expunge my record.

WHEREFORE, I respectfully request this Court grant this Petition and **ORDER** the expungement of my convictions record in accordance the I.C. 35-38-9, et. Seq. as applicable.

1. As to expungement matters brought under I.C. 35-38-9-2 and I.C. 35-38-9-3, specifically:
  - a. The following agencies and entities shall be prohibited from releasing Petitioner’s records or information in Petitioner’s records, including but not limited to conviction records, arrest records, dismissed charge records, not-guilty records, and records of collateral actions, that related to the expunged convictions or that relate to the cause number of the expunged convictions, to anyone without a court order, other than a law enforcement officer acting in the court of the officer’s official duty:
    - i. The Indiana Department of Corrections;
    - ii. The Indiana Bureau of Motor Vehicles;
    - iii. Each law enforcement agency who incarcerated, provided treatment for, or provided other services for the person under an order of the court; and
    - iv. Each person or entity who incarcerated, provided treatment for, or provided other services for the person under an order of the court.
  - b. The Indiana State Police Central Repository for Criminal History Information is ordered to seal all Petitioner’s records for expunged convictions and records for all other matters related to the cause number of expunged conviction(s). This includes but is not limited to conviction records, arrest records, dismissed charge records, not-guilty records, and records of collateral actions, that related to the expunged convictions or that relate to the cause number of the expunged convictions. Thus, the Central Repository must seal all of Petitioner’s conviction records, dismissed charge records, not guilty records, arrest records, records of collateral actions, and any other records related to the cause number of the expunged conviction(s). Central Repository is also prohibited from disclosing these records to anyone except:
    - i. a prosecuting attorney, if:
      - (a) authorized by a court order; and
      - (b) needed to carry out the official duties of the prosecuting attorney;
    - ii. a defense attorney, if:
      - (a) authorized by a court order; and
      - (b) needed to carry out the professional duties of the defense attorney;
    - iii. a probation department, if:
      - (a) authorized by a court order; and
      - (b) necessary to prepare a presentence report; and

- iv. the Federal Bureau of Investigation and the Department of Homeland Security, if disclosure is required to comply with an agreement relating to the sharing of criminal history information;
  - v. the:
    - (a) supreme court;
    - (b) members of the state board of law examiners; and
    - (c) executive director of the state board of law examiners; and
    - (d) employees of the state board of law examiners, in accordance with rules adopted by the state board of law examiners; for the purposes of determining whether an applicant possesses the necessary good moral character for admission to the bar; and
  - vi. a person required to access expunged records to comply with the Secure and Fair Enforcement for Mortgage Licensing Act (12 U.S.C. 5101 et seq.) or regulations adopted under the Secure and Fair Enforcement for Mortgage Licensing Act.
  - vii. the bureau of motor vehicles, the Federal Motor Carrier Administration, and the Commercial Drivers License Information System (CDLIS), if disclosure is required to comply with IC 9-24-6-2(d) relating to reporting a conviction for a violation of a traffic control law.
- c. The Clerk of the Appellate Courts shall be notified to seal any records in the Clerk's possession that relate to the conviction in a manner consistent with I.C. 35-38-9-6(c):
- i. redact the opinion or memorandum decision as it appears on the computer gateway administered by the office of technology so that it does not include the petitioner's name (in the same manner that opinions involving juveniles are redacted); and
  - ii. provide a redacted copy of the opinion to any publisher or organization to whom the opinion or memorandum decision is provided after the date of the order of expungement.
- d. Except as provided in I.C. 35-38-9-6(c) and (d), the records of the sentencing court, a juvenile court, the Court of Appeals or Indiana, and the Indiana Supreme Court concerning Petitioner shall be permanently sealed;
2. As to the expungement matters brought under I.C. 35-38-9-4 and I.C. 35-38-9-5, the expungement of Petitioner's conviction records in accordance with **I.C. 35-38-9-7**, specifically that:
- a. Petitioner's conviction records under the listed cause numbers shall be expunged in accordance with I.C. 35-38-9-7:
    - i. Court records and other public records relating to the arrest, conviction, or sentence of Petitioner that have been marked expunged shall remain public records. However, the Court now orders that those records be clearly and visibly marked or identified as being expunged.
    - ii. The following agencies and entities in possession of records that relate to the conviction ordered to be marked as expunged shall add an entry to Petitioner's record of arrest, conviction, or sentence in the criminal history database stating that the records are marked as expunged:
      - a) The Indiana Department of Correction;
      - b) The Indiana Bureau of Motor Vehicles;
      - c) Each law enforcement agency who incarcerated, provided treatment for, or provided other services for the person under an order of the court; and
      - d) Each person or entity who incarcerated, provided treatment for, or provided other services for the person under an order of the court.

and grant all other relief just and proper in the premises.

**I affirm under the penalties of perjury that the foregoing representations are true and accurate.**

/s/ \_\_\_\_\_  
**Signature**

\_\_\_\_\_  
**Printed Name**

**CERTIFICATE OF SERVICE**

I certify that on \_\_\_\_\_ a copy of this Petition was served on State of Indiana, Elkhart Prosecuting Attorney.

Service was made by:

e-filing

first class mail, postage prepaid

hand delivery

/s/ \_\_\_\_\_  
**Signature**

\_\_\_\_\_  
**Printed Name**