

IN THE

COURT, EIGHTEENTH JUDICIAL CIRCUIT, BREVARD COUNTY, FLORIDA

DIVISION:

CASE NUMBER 05 - - - XXX-XX

PLAINTIFF

CLOCK IN

STATE OF FLORIDA

vs.

DEFENDANT/PETITIONER

AFFIDAVIT FOR SEALING/EXPUNGEMENT OF CRIMINAL HISTORY RECORD

I, _____, am the Defendant in the above-styled cause and I do hereby swear and affirm that:

1. I fully understand the meaning of all the terms of this affidavit.
2. I have never been adjudicated guilty of a criminal offense or a comparable ordinance violation.
3. I was arrested on the _____ day of _____, 20____, by _____, and I have not been adjudicated guilty of the charges stemming from that arrest or alleged criminal activity surrounding my arrest.
4. I am eligible for the relief requested, to the best of my knowledge and belief, and do not have any other petition to expunge or seal pending before any court.
5. I have never secured a prior records expunction or sealing under any law.

Defendant/Petitioner

STATE OF FLORIDA, COUNTY OF BREVARD

Sworn to and Subscribed before me this _____ day of _____, 20_____.

NOTARY PUBLIC, or other
person authorized to administer
an oath. (Print, type or stamp
commissioned name of Notary Public)

Personally known _____ or produced identification _____.
Type of identification produced _____.

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MOTION TO EXPUNGE CRIMINAL HISTORY RECORD

The petitioner, _____, by and through the undersigned attorney, petitions this honorable court, pursuant to Florida Rules of Criminal Procedure 3.692, and section 943.0585 or section 943.059 Florida Statutes, to expunge all criminal history record information in the custody of any criminal justice agency and the official records of the court, concerning the petitioner's arrest on the _____ day of _____, 20____, by _____ (arresting agency), and charged with _____ (charges), and as grounds therefore shows:

1. On the _____ day of _____, 20____, the petitioner, _____, a _____ (race/sex), whose date of birth is _____ (date of birth), was arrested by _____ (arresting agency), and charged with _____ (charges).
2. The petitioner has not been adjudicted guilty of any of the charges stemming from this arrest or alleged criminal activity.
3. The petitioner has not been previously adjudicated guilty of a criminal offense or a comparable ordinance violation.
4. The petitioner has not secured a prior records expunction or sealing under Section 943.0585, or 943.059, Florida Statutes, former section 943.058, Florida Statutes, former section 893.14, Florida Statutes, or former section 901.33, Florida Statutes, or any other law, rule, or authority.
5. Such record has been sealed under section 943.059, Florida Statutes, former section 943.058, Florida Statutes, former section 893.14, Florida Statute, or former section 901.33, Florida Statutes, for at least (10) years; or there has not been an indictment or information filed against the petitioner who is the subject of this criminal history record information; or an indictment or information filed against the petitioner who is the subject of this criminal history information was dismissed by the prosecutor or the court.

DEFENDANT/PETITIONER

MOTION TO EXPUNGE
CRIMINAL HISTORY RECORD

CASE NUMBER

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WHEREFORE, the petitioner, _____, moves to expunge any criminal history record information and any official court records regarding his/her arrest by _____ (name of arresting agency), for _____ (charges), on the _____ day of _____, 20 _____.

I HEREBY CERTIFY that a true and correct copy of the foregoing pleading has been served on _____ (name of prosecuting authority), State Attorney for the Eighteenth Judicial Circuit, in and for Brevard County, Florida; _____ (name of arresting agency); _____ (Sheriff of county where defendant was arrested, if different); this _____ day of _____, 20 _____.

SIGNATURE

Name:
Address:
City/State/Zip:
Telephone Number:
FL Bar No:

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DEFENDANT

NOTICE OF HEARING

HEARING INFORMATION

DATE:

LOCATION:

TIME:

JUDGE:

RE:

TO: State Attorney's Office
Sealing and Expungement Section
2725 Judge Fran Jamieson Way
Viera, Florida 32940

YOU ARE HEREBY NOTIFIED that a hearing will be held at the date, time, and location indicated above.

I HEREBY CERTIFY that a true copy of the foregoing Notice of Hearing has been mailed to the State Attorney's Office, Sealing and Expungement Section, 2725 Judge Fran Jamieson Way, Viera, Florida 32940

DEFENDANT'S SIGNATURE

ADDRESS

CITY

STATE

ZIP

PRINT DEFENDANT'S NAME

TELEPHONE NUMBER

WITNESS my hand and Official Seal on the _____ day of _____, 20 ____, in Brevard County, Florida.



BY _____ DC

BREVARD COUNTY
CLERK OF COURTS

NOTICE TO PERSONS WITH A DISABILITY

REQUEST FOR ACCOMMODATIONS BY PERSONS WITH DISABILITIES:
If you are a person with a disability who needs any accommodation in order to participate in this proceeding, you are entitled, at no cost to you, to the provision of certain assistance. Please contact Court Administration at The Moore Justice Center, 2825 Judge Jamieson Way, 3rd Floor, Viera, FL 32940-8006, (321)633-2171 ext. 2, at least 7 days before your scheduled court appearance, or immediately upon receiving this notification if the time before the scheduled appearance is less than 7 days; if you are hearing or voice impaired, call 711.

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**ORDER TO EXPUNGE UNDER SECTION 943.0585, F.S. and
FLORIDA RULES OF CRIMINAL PROCEDURE 3.692**

THIS CAUSE having come on to be heard before me this date upon a petition to expunge certain records of the petitioner's arrest on the _____ day of _____, 20____, by _____ (arresting agency), and charged with _____ (charges), and the court having heard argument of counsel and being otherwise fully advised in the premises, the court hereby finds the following:

1. The petitioner has never previously been adjudicated guilty of a criminal offense or a comparable ordinance violation nor adjudicated delinquent for committing a felony or a misdemeanor specified in Section 943.051(3)(b), F.S.
2. The petitioner was not adjudicated guilty of nor adjudicated delinquent for committing any of the acts stemming from the arrest of criminal activity to which this expunction petition pertains.
3. The petitioner has not secured a prior records expunction or sealing.
4. This record has either been sealed for at least 10 years; or no indictment, information, or other charging document was ever filed in this case against the petitioner; or an indictment, information, or other charging document filed against the defendant was dismissed by the prosecutor of the court.
5. A Certificate of Eligibility issued by the Florida Department of Law Enforcement accompanied the petition for expunction of nonjudicial criminal history records. Whereupon it is

ORDERED AND ADJUDGED that the petition to expunge is granted. All court records pertaining to the above-styled case shall be sealed in accordance with the procedures set forth in Florida Rule of Criminal Procedure 3.692; and it is further

ORDERED AND ADJUDGED that the Clerk of this court shall forward a certified copy of this order to the ☐ State Attorney ☐ Special Prosecutor ☐ Statewide Prosecutor ☐ Arresting Agency and the Sheriff of _____ County, who will comply with the procedures set forth in Section 943.0585, Florida Statutes, and appropriate regulations of the Florida Department of Law Enforcement, and who will further forward a copy of this order to any agency that their records reflect has received the instant criminal history record information; and it is further

ORDER AND ADJUDGED that _____ (arresting agency) shall expunge all information concerning indicia of arrest or criminal history record information regarding the arrest or alleged criminal activity to which this petition pertains in accordance with the procedures set forth in section 943.0585, Florida Statutes, and Florida Rules of Criminal Procedure 3.692.

All costs of certified copies involved herein are to be borne by the _____.

DONE AND ORDERED this _____ day of _____, 20____, Brevard County, Florida.

JUDGE