

IN THE COURT OF COMMON PLEAS OF LEHIGH COUNTY, PENNSYLVANIA
CRIMINAL

COMMONWEALTH OF PENNSYLVANIA)
)
 vs.) Docket Number CP-39-
)
)
 Defendant)

Motion to Expunge

Defendant, _____, hereby moves the
(Name of Defendant)

Court for an Order of Expungement, and in support thereof, represents as follows:

1. The Defendant's date of birth is _____
2. The Defendant's Social Security Number is _____
3. On _____, the Defendant was charged with
(date of arrest)

(list all charges)

4. At the time of the arrest, the Defendant was photographed, fingerprinted, and a record
of the arrest was made by the _____ Police Department.
5. The Offense Tracking Number (OTN) is _____
6. The Magisterial District Court Number for this case is _____
7. The Magisterial District docket number is _____

8. The Common Pleas docket number is CP-39-_____

9. The charge(s) was disposed by a:

Magisterial District Judge of Lehigh County

Judge of the Lehigh County Court of Common Pleas

10. The charge(s) was disposed by the Court in the following manner

(please check the appropriate box):

Defendant was placed on the ARD Program, and he/she successfully completed the prescribed program and complied with its conditions (Certification attached).

Charge(s) was withdrawn or dismissed

Defendant was found not guilty of the charge(s).

Governor's Pardon (Copy Attached)

Petitioner has reached 70 years of age and has been free of arrest or prosecution for ten years following final release from confinement or supervision.

Defendant was convicted of a Summary Offense and he/she has been free of arrest or prosecution for five years following the conviction of that offense.

11. There exists no compelling interest or overriding societal interest in retaining and maintaining the aforementioned records, reports, and fingerprints.

12. The presence of these records will be harmful to the Defendant's reputation, and is likely to prejudice his/her employment and education.

WHEREFORE, the Defendant respectfully requests this Honorable Court to order the expungement of all records pertaining to the aforementioned charge(s) under 18 Pa.C.S.A. §9122.

RESPECTFULLY SUBMITTED:

Defendant's Signature

Defendant's Current Address

Defendant's Day Time Phone No.:

VERIFICATION

The undersigned Defendant avers that the statements of fact combined in this Motion for Expungement are true and correct to the best of the Defendant's knowledge, information, and belief, and are made subject to the penalties of 18 Pa.C.S.A. § 4904 relating to unsworn falsification to authorities.

Defendant's Signature

Date

IN THE COURT OF COMMON PLEAS OF LEHIGH COUNTY, PENNSYLVANIA
CRIMINAL

COMMONWEALTH OF PENNSYLVANIA)
)
 vs.) **Docket Number** CP-39-
)
)
 Defendant)

ORDER

AND NOW, this _____ day of _____, 20____, upon consideration of the within Motion of _____, it is ORDERED AND DECREED, that the criminal history record information relating to the arrest(s) detailed herein, be expunged in accordance with the provisions of the Criminal History Record Information (C.H.R.I.) Act, 18 Pa.C.S. §§ 9101 et seq., as directed on the reverse hereof:

Defendant's Name: _____ **Date of Birth:** _____

SSN: _____ **OTN:** _____

MDJ Docket No.: _____ **Magisterial District No.:** _____

Common Pleas Docket No. CP-39- _____

Charges: _____

Date of Arrest: _____

Arresting Police Agency: _____

Disposition: _____

Reason for Expungement: _____

For Court use only.

Clerk to serve Order on: ___ Arresting Police Agency ___ PSP Central Repository
 ___ Issuing Authority ___ Defendant or counsel
 ___ District Attorney

BY THE COURT:

Defendant's Current Address

Defendant's Day Time Phone No.:

J.

IT IS SPECIFICALLY ORDERED THAT:

1. The Clerk of Judicial Records--Criminal for Lehigh County shall:

- a. Serve one copy of the within Order on the defendant or the defendant's counsel.
- b. Serve certified copies of the within Motion and Order upon the arresting police agency, the Pennsylvania State Police Central Repository, and, if this Order involves expungement of a case or cases finalized in the District Justice Courts (where there was a dismissal, discharge or other final disposition at the District Justice level, and no bind-over or appeal to, or other disposition in a court of record), one copy of the Motion and Order for service upon the proper issuing authority or authorities.
- c. Serve one copy of the said Motion and Order on the Attorney for the Commonwealth, and,
- d. Note the expungement on the records of the within case(s), if the case(s) were finally disposed of in the Court of Common Pleas.

2. The arresting police agency, upon receipt of a certified copy of the within Motion and Order from the Clerk of Judicial Records shall:

- a. Note the expungement on the records of the within case(s) maintained by their department, and expunge from any local RAP sheets or their equivalent maintained by said police agency any reference to the within case(s); and
- b. Within thirty (30) days of receipt of this Motion and Order, file with the Clerk of Judicial Records--Criminal for Lehigh County, a verification that paragraph 2 of this Order has been complied with.

3. The Pennsylvania State Police Central Repository, upon receipt of a certified copy of the within Motion and Order from the Clerk of Judicial Records shall:

- a. Expunge their records in accordance with this Order; and
- b. As required by the Criminal History Record Information Act, 18 Pa.C.S. § 9122 (d), "notify all criminal justice agencies which have received the criminal history record information to be expunged" of this expungement order; and
- c. Within thirty (30) days of receipt of this Motion and Order, file with the Clerk of Judicial Records--Criminal for Lehigh County, a verification that paragraph 3 of this Order has been complied with.

4. The Attorney for the Commonwealth and any issuing authority, upon receipt of this Motion and Order shall note the expungement on the records of their offices, if any, relating to the case(s).

IN ACCORDANCE WITH THE C.H.R.I. ACT,

NOTHING IN THIS ORDER SHALL BE CONSTRUED TO REQUIRE:

A. The expungement of public records which are exempt from expungement by 18 Pa.C.S. § 9104 (e), namely, "[o]riginal records of entry compiled chronologically, including but not limited to, police blotters and press releases that contain criminal history record information and are disseminated contemporaneous with the incident", "[a]ny documents, records or indices prepared or maintained by or filed in any court of the Commonwealth, including but not limited to the minor judiciary", "[p]osters, announcements, or lists for identifying or apprehending fugitives or wanted persons", or "[a]nnouncements of executive clemency." 18 Pa.C.S. § 9104 (a).

B. The expungement of non-criminal history record information which is exempt from expungement by 18 Pa.C.S. § 9102, namely, intelligence information (defined in 18 Pa.C.S. § 9102 as "[i]nformation concerning the habits, practices, characteristics, possessions, associations or financial status of any individual"), investigative information (defined in 18 Pa.C.S. § 9102 as "[i]nformation assembled as a result of the performance of any inquiry, formal or informal, into a criminal incident or an allegation of criminal wrongdoing and may include modus operandi information), including medical and psychological information, or information specified in 18 Pa.C.S. § 9104". (Other than as specified in 1, above, this includes: "[c]ourt dockets, police blotters [including any reasonable substitute therefore] and information contained therein").

C. The expungement of information required or authorized to be kept by the prosecuting attorney, the central repository and the court by 18 Pa.C.S. § 9122 (c), relating to diversion or pre-conviction probation programs such as Accelerated Rehabilitative Disposition.