

CAUSE NO. _____

IN THE MATTER OF

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IN THE DISTRICT COURT

_____ JUDICIAL DISTRICT

_____ COUNTY, TEXAS

APPLICATION FOR SEALING FILES AND RECORDS (felony)

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW, _____, by and through his attorney of record and files this his Petition for Sealing Files and Records pursuant to Section 58.003 of the Texas Family Code would respectfully show the court as follows:

I.

Applicant has the following identifying information:

Name:

D.O.B.

Sex:

Race:

SSN:

TDL:

Address:

Offense:

Date of Offense:

Location of Offense:

Cause No. of Juvenile File:

Court and County Petition Filed:

II.

(Facts of the Case)

Applicant was charged with the felony offense(s) of _____. He was not transferred to a criminal court for prosecution pursuant to Section 54.02 of the Texas Family Code. He was placed on juvenile probation for a period of _____ months on (date). He successfully completed probation on _____. Applicant did not receive a determinate

sentence for engaging in delinquent conduct that violated a penal law listed in Section 53.045 of the Texas Family Code or engaging in habitual felony conduct as described by Section 51.031 of the Texas Family Code.

III.

(Agencies and officials to serve, notice sent certified mail, return receipt requested by the clerk of the court. Reasonable notice of the hearing is required in Section 58.003(e). Make sure that the addresses are correct and you have the custodian of records identified.)

The Applicant has reason to believe that the files and records relating to the Applicant are held by the following officials and agencies:

1. Police Department
2. Probation Department
3. District or County Attorney (prosecuting attorney)
4. Texas Department of Public Safety
Crime Records Department (MSC 0234)
P.O. Box 4143
Austin, Texas 78765-4143
5. District Clerk's Office
6. School(s) *if applicable*
7. Juvenile Justice Information System
8. Agency granting the discharge if the final discharge was from an institution or from parole
9. Other (State Hospitals, Placements, Treatment Providers, Texas Youth Commission, etc.)

IV.

(Reasons for Sealing Section 58.003(b) and (c))

The Applicant would request this court seal his files and records for the following reasons:

1. Applicant is 21 years of age or older;
2. He was not transferred by a juvenile court under Section 54.02 to a criminal court for prosecution;
3. The records have not been used as evidence in the punishment phase of a criminal proceeding under Article 37.07(3)(a) of the Texas Code of Criminal Procedure; and,

4. Applicant has not been convicted of a felony since becoming 17 years of age.

WHEREFORE, Applicant requests that the Court:

1. Set this matter for hearing;
2. Give reasonable notice of the hearing to each agency and official named in Section III of this Application pursuant to Section 58.003(e) of the Texas Family Code;
3. After hearing this matter order each official and agency named as possessing records or files concerning the Applicant to:
 - a. send all files and records to the court before the 61st day after receiving the order;
 - b. delete all index references to the Applicant and the records ordered sealed;
 - c. send verification to the court in the manner attached;
 - d. reply, upon inquiry, that no such record exists with respect to the Applicant;
4. Order the (*charging agency usually the police department*) to contact the Federal Bureau of Investigation's Criminal Justice Center in West Virginia requesting that they remove their records with respect to Applicant;
5. Order the clerk of court to send a copy of the sealing order to each agency named in the order;
6. Order the proceeding dismissed and order it to be treated for all purposes, other than a subsequent capital prosecution, as if it had never occurred.

Respectfully submitted,

FIAT

The foregoing Application is set for hearing before the District Judge on the _____ day of _____, 200_ at _____ o'clock ___m. in the courtroom of the _____ District Court, _____.

Judge Presiding

VERIFICATION

COUNTY OF _____

STATE OF TEXAS

BEFORE ME, the undersigned authority, on this day personally appeared, _____, who after being duly sworn stated:

I am the Applicant who is the subject of the foregoing Application for Sealing Files and Records. I have read the Application and swear that all of the allegations of fact contained therein are true and correct. I am 21 years of age or older. I was not transferred by a juvenile court under Section 54.02 to a criminal court for prosecution. The records have not been used as evidence in the punishment phase of a criminal proceeding under Article 37.07(3)(a) of the Texas Code of Criminal Procedure. I have not been convicted of a felony since becoming 17 years of age.

SUBSCRIBED AND SWORN TO BEFORE ME on the _____ day of _____ 200_.

Notary Public in and for the State of Texas

My Commission Expires:

Printed Name of Notary