

CAUSE NO. _____

IN THE MATTER OF

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IN THE DISTRICT COURT

_____ JUDICIAL DISTRICT

_____ COUNTY, TEXAS

APPLICATION FOR SEALING FILES AND RECORDS (misdemeanor)

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.

A. *(Facts of the Case-Adjudication)*

Applicant was placed on probation for the misdemeanor offense(s) of _____ on ____ (date) for a period of _____ months. He successfully completed probation on _____. More than two years have elapsed since the final discharge of Applicant from probation.

B. (Facts of the Case-No Adjudication)

The State filed an Original Petition on (date) alleging that Applicant engaged in delinquent conduct, specifically by committing the offense of _____. The State filed a Motion for Non-suit of its Petition and such Non-suit was granted on _____. More than two years have elapsed since the last official action in this cause. There was no adjudication of delinquent conduct in this cause.

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)
7. Juvenile Justice Information System
8. Agency granting the discharge if the final discharge was from an institution
9. Other (State Hospitals, Placements, Treatment Providers, etc.)

IV.

(Reasons for Sealing)

A. Adjudication Section 58.003(a)

The Applicant would show he is entitled to have all files and records concerning the case sealed for the following reasons:

1. two years have elapsed since his final discharge from probation; and,
2. since his final discharge, he has not been convicted of a felony or a misdemeanor involving moral turpitude or found to have engaged in delinquent conduct or conduct

indicating a need for supervision and no proceeding is pending seeking conviction or adjudication.

B. No Adjudication Section 58.003(a) and Section 58.003(d)

The Applicant would show he is entitled to have all files and records concerning the case sealed for the following reasons:

1. two years have elapsed since the last official action in this case as there was no adjudication; and,
2. since the last official action, he has not been convicted of a felony or a misdemeanor involving moral turpitude or found to have engaged in delinquent conduct or conduct indicating a need for supervision and no proceeding is pending seeking conviction or adjudication.

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. Two years have elapsed since (*my final discharge from probation or the last official action in this cause*) and I have not been convicted of a felony or a misdemeanor involving moral turpitude or found to have engaged in delinquent conduct or conduct indicating a need for supervision and no proceeding is pending against me seeking conviction or adjudication.

John Doe

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