
USING THIS FORM

1. Copies

- a. Original – to court.
- b. Copy – arrange to have served on Commonwealth’s Attorney in the county or city in which the petition is filed.

2. Attachments

- a. Copy of order of acquittal or dismissal.
- b. Copy of warrant(s) or indictment(s) for the charge(s) you seek to have expunged.
- c. Completed circuit court form CC-1416, Cover Sheet for Filing Civil Actions, if required by the clerk.

3. Preparation Details

- a. Data Element Nos. 1-19 prepared by the petitioner or the attorney for the petitioner.
- b. Data Element Nos. 20-23 prepared by the clerk of court or deputy clerk, who will also provide or complete the case number if unknown to the petitioner (Data Element No. 1).
- c. Data Element No. 24 is provided for the use of the petitioner.

See circuit court form CC-1473 INST, Instructions for Petition for Expungement Filed in a Circuit Court – Acquittal/Dismissal (Page 4 of these instructions), for additional information.

PETITION FOR EXPUNGEMENT FILED IN A CIRCUIT COURT – ACQUITTAL/DISMISSAL Commonwealth of Virginia

Case No. 1

2 Circuit Court CITY OR COUNTY

3 STREET ADDRESS OF COURT

4 v. Commonwealth of Virginia NAME OF PETITIONER

1. This petition to expunge the police and court records, including electronic records, relating to the charge(s) detailed in Part 2 (below) is based on subsection A of § 19.2-392.2, as the petitioner was charged with the commission of a crime or offense AND (CHECK ONE)

- 5 [] has been acquitted of the charge. [] a nolle prosequi of the charge has been taken or the charge has been otherwise dismissed, including dismissal by accord and satisfaction pursuant to Virginia Code Section 19.2-151.

2. I further state that: Petitioner’s date of birth is: 6 Petitioner’s full name at the time of arrest: 7 Specific charge(s) to be expunged: 8

9 [] A copy of the warrant or indictment is attached to this petition. Underlying Case No.(s) 10 Date of arrest: 11 Name of arresting agency: 12

13 [] A copy of the warrant or indictment [] date of arrest or name of arresting agency is not reasonably available because (state reason this information is not available): 13

Date of final disposition of charge(s): 14 Court disposing of charge(s): 15

The continued existence and possible dissemination of information relating to the arrest of the petitioner causes or may cause circumstances which constitute a manifest injustice to the petitioner. For this reason, I request that the police and court records, including electronic records, relating to the charge(s) be expunged and that a copy of any order of expungement be forwarded to the Department of State Police pursuant to subsection K of § 19.2-392.2.

16 DATE 17 SIGNATURE OF [] PETITIONER [] ATTORNEY FOR PETITIONER

18 PRINT NAME

19 ADDRESS/TELEPHONE NUMBER OF [] PETITIONER [] ATTORNEY FOR PETITIONER

23 [] I certify that I provided the petitioner a certified copy of this petition. Hearing date and time: 20

22 DATE 21 CLERK

- 24 Checklist for petitioner: [] File completed PETITION FOR EXPUNGEMENT FILED IN A CIRCUIT COURT – ACQUITTAL/DISMISSAL in the circuit court of the county or city in which the charge(s) was disposed of, together with all applicable fees and costs and, if required by the clerk of the court, a completed COVER SHEET FOR FILING CIVIL ACTIONS, circuit court form CC-1416. [] Obtain one complete set of fingerprints from a law-enforcement agency and provide a copy of this petition to such law-enforcement agency. [] Have a copy of this petition served on the Commonwealth’s Attorney in the county or city in which the PETITION FOR EXPUNGEMENT FILED IN A CIRCUIT COURT – ACQUITTAL/DISMISSAL is filed.

DATA ELEMENTS

1. Court case number.
2. Court name.
3. Street address of court.
4. Name of petitioner.
5. Check the applicable box.
6. Insert date of birth of petitioner.
7. Insert full name of petitioner at the time of arrest.
8. List criminal charge(s) petitioner seeks to have expunged.
9. Check box if a copy of the warrant or indictment is attached.
10. Insert court case number(s) associated with the charges sought be expunged.
11. Insert date of arrest for the charge(s) sought to be expunged.
12. Insert name of arresting agency.
13. Check applicable box(es) if the information indicated is not available and state the reason the information is not available on the blank lines.
14. Insert date of final disposition of charge(s) sought to be expunged.
15. Insert name of court disposing of charge(s).
16. Insert date petition is signed.
17. Signature of petitioner or attorney for petitioner. Check applicable box under the line.
18. Print name of individual signing the petition.
19. Insert address and telephone number of individual signing the petition and check applicable box under the line.
20. Clerk of court or deputy clerk insert hearing date and time.
21. Signature of clerk or deputy clerk.
22. Insert date of clerk or deputy clerk signature.
23. Clerk of court or deputy clerk check box.
24. Petitioner may use the check boxes to indicate the steps completed.

**INSTRUCTIONS FOR PETITION FOR EXPUNGEMENT
FILED IN A CIRCUIT COURT – ACQUITTAL/DISMISSAL**

Virginia Code § 19.2-392.2, relating to the expungement of police and court records, provides in pertinent part as follows:

- Pursuant to § 19.2-392.2 A, a person charged with the commission of a crime may file a petition setting forth the relevant facts and requesting expungement of the police records and the court records relating to the charge IF one of the following is true:
 1. The person is acquitted, or
 2. A nolle prosequi is taken or the charge is otherwise dismissed, including dismissal by accord and satisfaction pursuant to § 19.2-151.
 3. The person is granted an absolute pardon for the commission of a crime for which he has been unjustly convicted.
- Pursuant to § 19.2-392.2 C, the petition with a copy of the warrant or indictment if reasonably available shall be filed in the circuit court of the county or city in which the case was disposed of by acquittal or being otherwise dismissed and shall contain, except where not reasonably available:
 1. The date of arrest and the name of the arresting agency. Where this information is not reasonably available, the petition shall state the reason for such unavailability;
 2. A statement of the specific criminal charge to be expunged;
 3. The date of final disposition of the charge as set forth in the petition;
 4. The petitioner's date of birth; and
 5. The full name used by the petitioner at the time of arrest.
- Pursuant to § 19.2-392.2 D, the petitioner must have a copy of the petition served on the attorney for the Commonwealth of the city or county in which the petition is filed. The attorney for the Commonwealth may file an objection or answer to the petition within twenty-one days after it is served on him.
- Pursuant to § 19.2-392.2 E, the petitioner shall obtain from a law-enforcement agency one complete set of the petitioner's fingerprints and shall provide that agency with a copy of the petition for expungement. The law-enforcement agency shall submit the set of fingerprints to the Central Criminal Records Exchange (CCRE) with a copy of the petition for expungement attached. The CCRE shall forward under seal to the court a copy of the petitioner's criminal history, a copy of the source documents that resulted in the CCRE entry that the petitioner wishes to expunge, and the set of fingerprints. Upon completion of the hearing, the court shall return the fingerprint card to the petitioner.
- Circuit court form CC-1473, PETITION FOR EXPUNGEMENT FILED IN A CIRCUIT COURT – ACQUITTAL/DISMISSAL, may be completed and filed by the petitioner in the appropriate circuit court according to these instructions. A completed COVER SHEET FOR FILING CIVIL ACTIONS, circuit court form CC-1416, also may be required by the clerk of the court. Pursuant to § 19.2-392.2 J, costs shall be as provided by § 17.1-275, but shall not be recoverable against the Commonwealth.
- Different procedures for expungement may apply to a petition or motion filed pursuant to § 19.2-392.2 B or § 19.2-392.2 H.

When a person has been granted an absolute pardon for the commission of a crime that the person did not commit, the person may file circuit court form CC-1472, PETITION FOR EXPUNGEMENT FILED IN A CIRCUIT COURT – ABSOLUTE PARDON, in the circuit court of the county or city in which the conviction occurred.