



EXPUNGEMENTS

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1 SB108
2 160982-2
3 By Senator Bedford
4 RFD: Judiciary
5 First Read: 14-JAN-14
6 PFD: 01/13/2014

1 SB108

2
3
4 ENROLLED, An Act,

5 To authorize a person to petition a court to have
6 the record of certain felony or misdemeanor offenses,
7 violations, traffic violations, or municipal ordinance
8 violations expunged in certain instances; and in connection
9 therewith would have as its purpose or effect the requirement
10 of a new or increased expenditure of local funds within the
11 meaning of Amendment 621 of the Constitution of Alabama of
12 1901, now appearing as Section 111.05 of the Official
13 Recompilation of the Constitution of Alabama of 1901, as
14 amended.

15 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

16 Section 1. (a) A person who has been charged with a
17 misdemeanor criminal offense, a violation, a traffic
18 violation, or a municipal ordinance violation may file a
19 petition in the criminal division of the circuit court in the
20 county in which the charges were filed, to expunge records
21 relating to the charge in any of the following circumstances:

22 (1) When the charge is dismissed with prejudice.

23 (2) When the charge has been no billed by a grand

24 jury.

1 (3) When the person has been found not guilty of the
2 charge.

3 (4) When the charge was dismissed without prejudice
4 more than two years ago, has not been refiled, and the person
5 has not been convicted of any other felony or misdemeanor
6 crime, any violation, or any traffic violation, excluding
7 minor traffic violations, during the previous two years.

8 (b) The circuit court shall have exclusive
9 jurisdiction of a petition filed under subsection (a).

10 Section 2. (a) A person who has been charged with a
11 felony offense, except a violent offense as defined in Section
12 12-25-32(14), Code of Alabama 1975, may file a petition in the
13 criminal division of the circuit court in the county in which
14 the charges were filed, to expunge records relating to the
15 charge in any of the following circumstances:

16 (1) When the charge is dismissed with prejudice.

17 (2) When the charge has been no billed by a grand
18 jury.

19 (3) When the person has been found not guilty of the
20 charge.

21 (4)a. The charge was dismissed after successful
22 completion of a drug court program, mental health court
23 program, diversion program, veteran's court, or any
24 court-approved deferred prosecution program after one year
25 from successful completion of the program.

1 b. Expungement may be a court-ordered condition of a
2 program listed in paragraph a.

3 (5) The charge was dismissed without prejudice more
4 than five years ago, has not been refiled, and the person has
5 not been convicted of any other felony or misdemeanor crime,
6 any violation, or any traffic violation, excluding minor
7 traffic violations, during the previous five years.

8 (6) Ninety days have passed from the date of
9 dismissal with prejudice, no-bill, acquittal, or nolle
10 prosequi and the charge has not been refiled.

11 (b) The circuit court shall have exclusive
12 jurisdiction of a petition filed under subsection (a).

13 Section 3. (a) A petition filed under this act shall
14 include a sworn statement made by the person seeking
15 expungement under the penalty of perjury stating that the
16 person has satisfied the requirements set out in this act and
17 whether he or she has previously applied for an expungement in
18 any jurisdiction and whether an expungement has been
19 previously granted.

20 (b) The petitioner shall include a certified record
21 of arrest, disposition, or the case action summary from the
22 appropriate agency for the court record the petitioner seeks
23 to have expunged as well as a certified official criminal
24 record obtained from the Alabama Criminal Justice Information
25 Center. In addition to setting forth grounds for the court to

1 consider, the petitioner shall specify what criminal charges
2 from the record are to be considered, further specify the
3 agency or department that made the arrest and any agency or
4 department where the petitioner was booked or was incarcerated
5 or detained pursuant to the arrest or charge sought to be
6 expunged.

7 (c) A petitioner shall serve the district attorney,
8 the law enforcement agency, and clerk of court of the
9 jurisdiction for which the records are sought to be expunged,
10 a copy of the petition, and the sworn affidavit. The district
11 attorney shall review the petition and may make reasonable
12 efforts to notify the victim if the petition has been filed
13 seeking an expungement under circumstances enumerated in
14 paragraph a. of subdivision (4) of Section 2 involving a
15 victim that is not a governmental entity. The district
16 attorney and the victim shall have a period of 45 days to file
17 a written objection to the granting of the petition or the
18 district attorney shall be deemed to have waived the right to
19 object. The district attorney shall serve the petitioner or
20 the petitioner's counsel a copy of the written objection.

21 Section 4. (a) In addition to any cost of court or
22 docket fee for filing the petition in circuit court, an
23 administrative filing fee of three hundred dollars (\$300)
24 shall be paid at the time the petition is filed and is a
25 condition precedent to any ruling of the court pursuant to

1 this act. The administrative filing fee shall not be waived by
2 the court and shall be distributed as follows:

3 (1) Seventy-five dollars (\$75) to the State Judicial
4 Administrative Fund.

5 (2) Twenty-five dollars (\$25) to the Alabama
6 Department of Forensic Sciences.

7 (3) Fifty dollars (\$50) to the district attorney's
8 office.

9 (4) Fifty dollars (\$50) to the clerk's office of the
10 circuit court having jurisdiction over the matter, for the use
11 and benefit of the circuit court clerk.

12 (5) Fifty dollars (\$50) to the Public Safety Fund.

13 (6) Fifty dollars (\$50) to the general fund of the
14 county where the arresting law enforcement agency is located
15 if the arrest was made by the sheriff's office to be used for
16 law enforcement purposes, or, if the arrest was made by
17 another law enforcement agency, to the municipality or other
18 entity or state agency funding the law enforcement activity.

19 (b) Notwithstanding subsection (a), a person seeking
20 relief under this act may apply for indigent status by
21 completing an Affidavit of Substantial Hardship and Order
22 which shall be submitted with the petition. If the court finds
23 the petitioner is indigent, the court may set forth a payment
24 plan for the petitioner to satisfy the filing fee over a

1 period of time, which shall be paid in full, prior to any
2 order granting an expungement.

3 (c) If a petitioner seeks expungement of an arrest
4 record and the court in the original case made a clear and
5 unequivocal judicial finding on the record that the arrest had
6 no foundation of probable cause, the court, in the expungement
7 proceeding, shall waive all docket fees and court costs,
8 except for the filing fee in subsection (a).

9 Section 5. (a) If the prosecuting authority or
10 victim files an objection to the granting of a petition under
11 this act, the court having jurisdiction over the matter shall
12 set a date for a hearing no sooner than 14 days from the
13 filing of the objection. The court shall notify the
14 prosecuting authority and the petitioner of the hearing date.
15 In the discretion of the court, the court shall consider the
16 following factors:

- 17 (1) Nature and seriousness of the offense committed.
18 (2) Circumstances under which the offense occurred.
19 (3) Date of the offense.
20 (4) Age of the person when the offense was
21 committed.
22 (5) Whether the offense was an isolated or repeated
23 incident.
24 (6) Other conditions which may have contributed to
25 the offense.

1 (7) An available probation or parole record, report,
2 or recommendation.

3 (8) Whether the offense was dismissed or nolle
4 prossed as part of a negotiated plea agreement and the
5 petitioner plead guilty to another related or lesser offense.

6 (9) Evidence of rehabilitation, including good
7 conduct in prison or jail, in the community, counseling or
8 psychiatric treatment received, acquisition of additional
9 academic or vocational schooling, successful business or
10 employment history, and the recommendation of his or her
11 supervisors or other persons in the community.

12 (10) Any other matter the court deems relevant,
13 which may include, but is not limited to, a prior expungement
14 of the petitioner's records.

15 (b) A hearing under subsection (a) shall be
16 conducted in a manner prescribed by the trial judge and shall
17 include oral argument and review of relevant documentation in
18 support of, or in objection to, the granting of the petition.
19 The Alabama Rules of Evidence shall apply to the hearing.
20 Leave of the court shall be obtained for the taking of witness
21 testimony relating to any disputed fact.

22 (c) There is no right to the expungement of any
23 criminal record, and any request for expungement of a criminal
24 record may be denied at the sole discretion of the court. The
25 court shall grant the petition if it is reasonably satisfied

1 from the evidence that the petitioner has complied with and
2 satisfied the requirements of this act. The court shall have
3 discretion over the number of cases that may be expunged
4 pursuant to this act after the first case is expunged. The
5 ruling of the court shall be subject to certiorari review and
6 shall not be reversed absent a showing of an abuse of
7 discretion.

8 (d) If no objection to a petition is filed by the
9 prosecuting authority or victim, the court having jurisdiction
10 over the matter may rule on the merits of the petition without
11 setting the matter for hearing. In such cases, the court shall
12 grant the petition if it is reasonably satisfied from the
13 evidence that the petitioner has complied with and satisfied
14 the requirements of this act. The court shall have discretion
15 over the number of cases that may be expunged pursuant to this
16 act after the first case is expunged.

17 Section 6. (a) Except as provided in Section 10,
18 upon the granting of a petition pursuant to this act, the
19 court, pursuant to Section 9, shall order the expungement of
20 all records in the custody of the court and any records in the
21 custody of any other agency or official, including law
22 enforcement records, except privileged presentence or
23 postsentence investigation reports produced by the Alabama
24 Board of Pardons and Paroles and its officers, records,
25 documents, databases, and files of the district attorney and

1 the Office of Prosecution Services. On the effective date of
2 this act and for 18 months thereafter, every agency with
3 records relating to the arrest, charge, or other matters
4 arising out of the arrest or charge that is ordered to expunge
5 the records shall certify to the court within 180 days of the
6 entry of the expungement order that the required expungement
7 action has been completed.

8 (b) After the expungement of records pursuant to
9 subsection (a), the proceedings regarding the charge shall be
10 deemed never to have occurred. Except as provided in this act,
11 the court and other agencies shall reply to any inquiry that
12 no record exists on the matter. The petitioner whose record
13 was expunged shall not have to disclose the fact of the record
14 or any matter relating thereto on an application for
15 employment, credit, or other type of application. However, the
16 petitioner whose record was expunged shall have the duty to
17 disclose the fact of the record and any matter relating
18 thereto to any government regulatory or licensing agency, any
19 utility and its agents and affiliates, or any bank or other
20 financial institution. In these circumstances, the government
21 regulatory or licensing agency, utility and its agents and
22 affiliates, or the bank or other financial institution shall
23 have the right to inspect the expunged records after filing
24 notice with the court.

1 Section 7. (a) Upon receipt of the order of
2 expungement, a criminal justice agency in possession of
3 records subject to the order shall immediately forward the
4 records to the Alabama Criminal Justice Information Center.
5 The center shall digitally archive the records in a manner
6 prescribed by the Alabama Criminal Justice Information Center
7 Commission and designate the records as protected
8 notwithstanding any other provisions of this act. Such records
9 may not be used for any non-criminal justice purpose and may
10 only be made available to criminal justice agencies upon
11 acknowledgement of an investigation or other criminal matter
12 involving the person related to the expungement. Any expunged
13 records that were added to a federal database shall be
14 requested to be removed and not made available within any
15 interstate criminal database.

16 (b) Records expunged under this act may not be
17 transmitted to the Federal Bureau of Investigation national
18 criminal records repository. Any record subject to be expunged
19 under this act and transmitted to the Federal Bureau of
20 Investigation prior to the expungement of such record shall be
21 requested for withdrawal within the national system by the
22 Alabama Criminal Justice Information Center.

23 Section 8. Once the records are expunged pursuant to
24 this act, the records shall be forwarded to the Alabama
25 Criminal Justice Information Center in a manner prescribed by

1 the Alabama Criminal Justice Information Center Commission for
2 purposes of archiving, and the records shall be stored in a
3 manner prescribed by the Alabama Criminal Justice Information
4 Center Commission. The records shall be retained by the
5 Alabama Criminal Justice Information Center indefinitely.

6 Section 9. For purposes of this act, the term record
7 includes, but is not limited to, all of the following:

8 (1) Arrest records.

9 (2) Booking or arrest photographs of the petitioner.

10 (3) Index references such as the State Judicial
11 Information System or any other governmental index references
12 for public records search.

13 (4) Other data, whether in documentary or electronic
14 form, relating to the arrest or charge.

15 Section 10. Nothing in this act shall prohibit a law
16 enforcement agency or official, district attorney or a
17 prosecuting authority, the Alabama Department of Forensic
18 Sciences, or the Department of Human Resources from
19 maintaining an investigative file, report, case file, or log
20 which may include any evidence, biological evidence,
21 photographs, exhibits, or information in documentary or
22 electronic form.

23 Section 11. An order of expungement, pursuant to
24 this act may include, but is not limited to, the petitioner's
25 true name, all aliases, current physical address, date of

1 birth, Social Security number, or any other vital identifier
2 sufficient to notify the record keeper of the records to be
3 expunged.

4 Section 12. No order of expungement shall be granted
5 unless all terms and conditions, including court ordered
6 restitution, are satisfied and paid in full, including
7 interest, to any victim, or the Alabama Crime Victim's
8 Compensation Commission, as well as court costs, fines, or
9 statutory fees ordered by the sentencing court to have been
10 paid, absent a finding of indigency by the court.

11 Section 13. Upon request, the Administrative Office
12 of Courts shall provide an annual report to the Legislature
13 specifying the number of applicants requesting expungement,
14 the number of expungements granted, a list of the offenses
15 expunged, and a list of the offenses not expunged. The report
16 shall not include any case specific identifying information.

17 Section 14. Nothing in this act shall be applicable
18 to the Alabama Securities Commission, its statutes, rules,
19 regulations, policies, information repository, or records, nor
20 shall any expungement information, record, document, whether
21 printed, electronic, or otherwise, or file which is expunged
22 under this act be considered nondisclosable or nonreportable
23 to or by the Alabama Securities Commission. Any requirement
24 for licensing or registration which includes information that
25 has been otherwise expunged under this act shall remain

1 reportable as required by the Alabama Securities Commission,
2 applicable federal law, or adopted rules and regulations or as
3 required by any securities-related self-regulatory
4 organization rules, policies, or procedures.

5 Section 15. An expungement order shall not entitle
6 an individual to ship, transport, possess, or receive a
7 firearm. Any person whose record of conviction is expunged
8 pursuant to this act may have his or her right to ship,
9 transport, possess, or receive a firearm restored by a
10 Certificate of Pardon with Restoration of Civil and Political
11 Rights from the Alabama Board of Pardons and Paroles.

12 Section 16. (a) Notwithstanding any other provision
13 of this act, an individual who knows an expungement order was
14 granted pursuant to this act and who intentionally and
15 maliciously divulges, makes known, reveals, gives access to,
16 makes public, uses, or otherwise discloses the contents of an
17 expunged file without a court order, or pursuant to a
18 provision of this act, shall be guilty of a Class B
19 misdemeanor.

20 (b) In addition to any other immunity or other civil
21 protection or legal remedy available that an individual or
22 entity may rightfully claim, an agency, department, custodian
23 of records, corporation, business entity, or individual that
24 makes public or disseminates a record that has been judicially
25 expunged pursuant to this act shall be immune from civil

1 liability absent unreasonable, wanton, willful, or intentional
2 conduct.

3 (c) In addition to any other immunity or other civil
4 protection or legal remedy available that an individual or
5 entity may rightfully claim, an agency, department, custodian
6 of records, corporation, business entity, or individual that
7 employs, hires, contracts with, or holds any business or
8 contractual relationship with an individual and is unaware of
9 the existence of a criminal record due to an expungement
10 pursuant to this act shall be immune from civil liability for
11 damages caused by the person, absent unreasonable, wanton,
12 willful, or intentional conduct.

13 Section 17. Upon determination by the court that a
14 petition for expungement was filed under false pretenses and
15 was granted, the order of expungement shall be reversed and
16 the criminal history record shall be restored to reflect the
17 original charges.

18 Section 18. Notwithstanding any other provision of
19 this act, an applicant for a position in law enforcement or
20 corrections or a law enforcement or correctional officer shall
21 disclose and produce any expunged record pursuant to this act
22 or any other state law to the Alabama Peace Officers'
23 Standards and Training Commission, and the commission shall
24 have access to any expunged records sealed or archived
25 pursuant to this act for purposes of certification and

1 regulation of persons as correctional and law enforcement
2 officers.

3 Section 19. The Alabama Criminal Justice Information
4 Center Commission shall adopt rules for the submission of data
5 from criminal justice agencies necessary to complete the
6 criminal history record within the state criminal history
7 repository. Data within the repository shall include all
8 records allowed by federal regulation of state repositories.

9 Section 20. Although this bill would have as its
10 purpose or effect the requirement of a new or increased
11 expenditure of local funds, the bill is excluded from further
12 requirements and application under Amendment 621, now
13 appearing as Section 111.05 of the Official Recompilation of
14 the Constitution of Alabama of 1901, as amended, because the
15 bill defines a new crime or amends the definition of an
16 existing crime.

17 Section 21. This act shall become effective 90 days
18 following its passage and approval by the Governor, or its
19 otherwise becoming law.

PETITION

State of Alabama Unified Judicial System Form CR-65 7/2016	PETITION FOR EXPUNGEMENT OF RECORDS (Section 15-27-1 et seq., Code of Alabama 1975)	Case No. JHE CC-17-200 (Assigned by Clerk)
IN THE CIRCUIT COURT OF <u>Tuscaloosa</u> , ALABAMA <i>(Name of County)</i>		
<input type="checkbox"/> STATE OF ALABAMA <input checked="" type="checkbox"/> MUNICIPALITY OF <u>Tuscaloosa</u> v. <u>WARD, MICHAEL THOMAS</u> <i>(Court of Jurisdiction of case to be expunged)</i> <i>(Defendant/Petitioner)</i>		
PETITIONER <u>MICHAEL THOMAS</u> <i>(Last Name)</i> <i>(First Name)</i> <i>(Middle Name)</i>		
<u>205-345-1601</u> <u>neffjason@yahoo.com</u> <i>(Address)</i> <i>(Phone Number)</i> <i>(Email)</i>		
<u>XXX-XX-</u> <i>(Social Security Number, Last four digits only)</i>		
CASE NUMBER TO BE EXPUNGED <u>MC 11-00A</u>		
CHARGE TO BE EXPUNGED <u>D.V. III (ASSAULT)</u> <i>(Only one offense per petition; Multi-count cases require multiple petitions)</i>		
I, the above-named Defendant/Petitioner, was charged with the above-named offense which is: <i>(Check ONLY one (1) of the five (5) options listed below; If none apply, charge is not eligible for expungement)</i>		
<input checked="" type="checkbox"/> a <u>misdemeanor criminal offense</u> . <input type="checkbox"/> a <u>violation</u> . <input type="checkbox"/> a <u>traffic violation</u> . <input type="checkbox"/> a <u>municipal ordinance violation</u> . <input type="checkbox"/> a <u>non-violent felony</u> .		
I hereby file this Petition with the Circuit Court to expunge records relating to the above charge because: <i>(Check ONLY one (1) of the seven (7) options listed below; If none apply, charge is not eligible for expungement)</i>		
<input checked="" type="checkbox"/> The charge was dismissed with prejudice. <input type="checkbox"/> The charge was no billed by a grand jury. <input type="checkbox"/> I was found not guilty of the charge. <input type="checkbox"/> <i>(Non-felony only)</i> The charge was dismissed without prejudice more than two years ago, was not refiled, and I have not been convicted of any other felony or misdemeanor crime, any violation, or any traffic violation, excluding minor traffic violations, during the previous two years. <input type="checkbox"/> <i>(Non-violent felony only)</i> The charge was dismissed after successful completion of a drug court program, mental health court program, diversion program, veteran's court, or any court-approved deferred prosecution program. More than one year has passed from the successful completion of the program. <input type="checkbox"/> <i>(Non-violent felony only)</i> The charge was dismissed without prejudice more than five years ago, was not refiled, and I have not been convicted of any other felony or misdemeanor crime, any violation, or any traffic violation, excluding minor traffic violations, during the previous five years. <input type="checkbox"/> <i>(Non-violent felony only)</i> Ninety days have passed from the date of dismissal with prejudice, no-bill, acquittal, or <i>nolle prosequi</i> and the charge has not been refiled.		

 FILED
 2017 MAR 6 PM 1:51
 CLERK OF COURT
 TUSCALOOSA COUNTY, ALABAMA

State of Alabama Unified Judicial System Form CR-65 7/2016 Page 2.	PETITION FOR EXPUNGEMENT OF RECORDS (Section 15-27-1 et seq., Code of Alabama 1975)	Case No.
<p>Attached to this Petition is: <i>(Petition must include either item 1 or item 2; All Petitions must include item 3.)</i></p> <p><input type="checkbox"/> (1) a certified record of arrest from the appropriate agency for the court record I seek to have expunged,</p> <p><input checked="" type="checkbox"/> (2) a certified record of disposition, or a certified record of the case action summary from the appropriate court for the court record I seek to have expunged;</p> <p><input checked="" type="checkbox"/> (3) a certified official criminal record obtained from the Alabama Law Enforcement Agency (ALEA),</p> <p>I am providing the following additional information as required by Ala. Code 1975, § 15-27-1 et seq.: <i>(Petitioner must specify each of the following:)</i></p> <p>1. Criminal charge from the record to be considered:</p> <p><u>D.V. III (ASSAULT)</u></p> <hr/> <p>2. Grounds for, or reasons why you seek, expungement:</p> <p><u>Petitioner's case was dismissed on June 6,</u></p> <hr/> <p>3. The agency or department that made the arrest:</p> <p><u>TPD</u></p> <hr/> <p>4. Any agency or department where the Petitioner was booked or was incarcerated or detained pursuant to the arrest or charge sought to be expunged: <i>(There is no way for the Court to successfully expunge records that are not indicated in the Petition or held by entities not served. Therefore, if the Petitioner was not booked, incarcerated or detained pursuant to arrest on the above-listed charge, that must be indicated here.)</i></p> <p><u>Tuscaloosa County Jail</u></p> <hr/> <p>Further, I have satisfied and paid in full all terms and conditions, including court ordered restitution, including interest, to any victim or the Alabama Crime Victims Compensation Commission, as well as court costs, fines, or statutory fees ordered by the sentencing court to have been paid, absent a finding of indigency by the court.</p>		

2017 MAR -6 PM 1:47
 TUSCALOOSA COUNTY JAIL

State of Alabama
Unified Judicial System

FOR EXPUNGEMENT OF RECORDS
(Section 15-27-1 et seq., Code of Alabama 1975)

Case No. _____

Form CR-65 7/2016
Page 3.

I swear or affirm, under the penalty of perjury:

- (1) that the allegations I have made in this Petition are true and correct;
- (2) that I have satisfied the requirements set out in Ala. Code 1975, § 15-27-1 et seq.
- (3) (Select one of the following:)
 - that I have not previously applied for an expungement in this or any other jurisdiction.
 - that I have previously filed for an expungement. My previous expungement was filed in _____ COUNTY and it was given case number _____
_____. That previous petition for expungement was granted denied.


Signature of Petitioner/Affiant

pro se (Not represented by an attorney)

Personally appeared before the undersigned, an officer duly authorized to administer oaths, MICHAEL THOMAS WARD, Petitioner named in the foregoing Petition, who being duly sworn, states that the facts set forth in the foregoing Petition are true and correct to the best of their information and belief.

Sworn To And Subscribed Before Me This:

Date 3.3.17

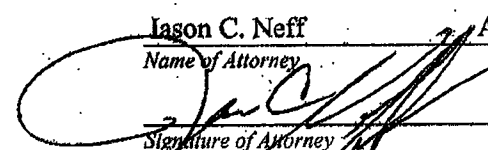

Person Authorized to Administer Oaths or Notary Public

3-12-18



Jason C. Neff
Name of Attorney

ASE 2017-0033
Bar No. 8


Signature of Attorney

2610 6th Street, Suite B
Business Address of Attorney

Tuscaloosa, AL 35401
City State Zip Code

205-345-1601
Telephone

neffjason@yahoo.com
Email Address

MC 11-0001423

State of Alabama Unified Judicial System Form CR-65 7/2016 Page 4.	PETITION FOR EXPUNGEMENT OF RECORDS (Certificate of Service) (Section 15-27-1 et seq., Code of Alabama 1975)	Case No.
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(This page is a form Certificate of Service that can be used by the petitioner to serve the statutorily required parties as well as any entities holding records the Petitioner wants expunged. A separate form should be completely filled out and signed by the person who actually served the party. Include as many copies of this page as necessary to show service on all required parties. NOTE: Records held by parties who are not served may not be successfully expunged, or expungement may be substantially delayed. Please understand, if you do not provide the name and address of any agency in possession of records you want expunged, the Court has no way of finding those records and successfully completing the expungement process. Furthermore, if those entities are not properly served, the Court has no authority to order those records expunged.)

I, MICHAEL THOMAS WARD, (print your name, or the name of the person who has personal knowledge of the service), certify that I have this date delivered a copy of the foregoing Petition For Expungement of Records to the following court, agency, or other entity pursuant to Ala. Code 1975, § 15-27-3(c):

- District Attorney
 Municipal Chief of Police
 Sheriff
 State Troopers (Dir. of ALEA)
 Clerk of the Circuit Court of the Jurisdiction where the Petition is filed
 District Clerk
 Municipal Clerk
 Other agency, department or entity not listed above: _____

Date of Service: 3-6-17

Name of Agent Authorized to receive service: HAYS WEBB, DISTRICT ATTORNEY

Service Address: 714 Greensboro Ave #410 Phone: 205-349-1252
Tuscaloosa, AL 35401

DATED this 6th day of March, 2017.

METHOD OF SERVICE Personal Sheriff Other Lovie Wyatt

L. Wyatt Petitioner's/Server's Signature

Petitioner's/Server's Address: _____ Phone: _____
Northport, AL 35475

2017 MAR -6 PM 1:48
 TUSCALOOSA COUNTY ALA

MC 11-0001423

State of Alabama Unified Judicial System Form CR-65 7/2016 Page 4.	PETITION FOR EXPUNGEMENT OF RECORDS (Certificate of Service) (Section 15-27-1 et seq., Code of Alabama 1975)	Case No.
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(This page is a form Certificate of Service that can be used by the petitioner to serve the statutorily required parties as well as any entities holding records the Petitioner wants expunged. A separate form should be completely filled out and signed by the person who actually served the party. Include as many copies of this page as necessary to show service on all required parties. NOTE: Records held by parties who are not served may not be successfully expunged, or expungement may be substantially delayed. Please understand, if you do not provide the name and address of any agency in possession of records you want expunged, the Court has no way of finding those records and successfully completing the expungement process. Furthermore, if those entities are not properly served, the Court has no authority to order those records expunged.)

I, MICHAEL THOMAS WARD, (print your name, or the name of the person who has personal knowledge of the service), certify that I have this date delivered a copy of the foregoing Petition For Expungement of Records to the following court, agency, or other entity pursuant to Ala. Code 1975, § 15-27-3(c):

- District Attorney Municipal Chief of Police Sheriff State Troopers (Dir. of ALEA)
 Clerk of the Circuit Court of the Jurisdiction where the Petition is filed District Clerk Municipal Clerk
 Other agency, department or entity not listed above: _____

Date of Service: 3-6-17


Name of Agent Authorized to receive service: TPD

Service Address: 3801 TREVOR S PHILLIPS AVE Phone: 205-349-2121

TUSCALOOSA, AL 35401

DATED this 6th day of March, 2017.

METHOD OF SERVICE Personal Sheriff Other USPS Priority Mail

 Petitioner's/Server's Signature

Petitioner's/Server's Address: _____

Northport, AL 35475

2017 MAR -6 PM 1:48
 TUSCALOOSA COUNTY AL

MC 11-0001423

State of Alabama Unified Judicial System Form CR-65 7/2016 Page 4.	PETITION FOR EXPUNGEMENT OF RECORDS (Certificate of Service) (Section 15-27-1 et seq., Code of Alabama 1975)	Case No.
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(This page is a form Certificate of Service that can be used by the petitioner to serve the statutorily required parties as well as any entities holding records the Petitioner wants expunged. A separate form should be completely filled out and signed by the person who actually served the party. Include as many copies of this page as necessary to show service on all required parties. NOTE: Records held by parties who are not served may not be successfully expunged, or expungement may be substantially delayed. Please understand, if you do not provide the name and address of any agency in possession of records you want expunged, the Court has no way of finding those records and successfully completing the expungement process. Furthermore, if those entities are not properly served, the Court has no authority to order those records expunged.)

I, _____, (print your name, or the name of the person who has personal knowledge of the service), certify that I have this date delivered a copy of the foregoing Petition For Expungement of Records to the following court, agency, or other entity pursuant to Ala. Code 1975, § 15-27-3(c):

- District Attorney
 Municipal Chief of Police
 Sheriff
 State Troopers (Dir. of ALEA)
 Clerk of the Circuit Court of the Jurisdiction where the Petition is filed
 District Clerk
 Municipal Clerk
 Other agency, department or entity not listed above: _____

Date of Service: 3-6-17

Name of Agent Authorized to receive service: Tuscaloosa Municipal Court.

Service Address: 2122 6th St Phone: 205-248-5330
Tuscaloosa, AL 35401

DATED this 6th day of March, 2017.

METHOD OF SERVICE Personal Sheriff Other USPS Priority Mail

[Signature] Petitioner's/Server's Signature

Petitioner's/Server's Address: _____ e: Phone: _____
Northport, AL 35475

2017 MAR -6 PM 1:48
 TUSCALOOSA COUNTY ALA.

CASE ACTION SUMMARY
MUNICIPALITY OF
TUSCALOOSA, ALABAMA

CASE NO: MC11-000

VS

912 15TH ST, A
TUSCALOOSA, AL 35401-
(706) 346-9622

DOB: 02/12/ SEX: MALE RACE: WHITE HT: 6' 2" WT: 185 SSN: 259-
ALIASES:

CHARGE: D.V. III (ASSAULT) COMPLAINT: ROACH, PHILLIP ALLEN
OFFENSE DATE: 04/03/2011 ARRESTED: 04/03/2011
RELEASED: DEF/ATTY: BOND AMOUNT: 500.00 BOND TYPE: Cash, Property or
DEF/ATTY: BONDSMAN: ALABAMA BAIL BONDS

ARRAIGNMENT DATE: 04/11/2011 at 01:30 PM
 DEFENDANT ADVISED OF RIGHTS
DEFENDANT PLEADS:
 GUILTY NOT GUILTY
YO APPLICATION FOR YO TRIAL SETTING: APPLICATION FOR PD
GRANTED / DENIED NOTIFIED MARKED WITNESSES GRANTED / DENIED

COMPLAINANT: ROACH, PHILLIP ALLEN - 3801 MILL CREEK AVE TUSCALOOSA, AL 35401-

WITNESS(ES):

VICTIM(S): IE - 700 15TH STREET, 410, TUSCALOOSA AL 35401- 4/8/11 54-11 4-11-11

OFFICERS:

SCANNED

I hereby certify this is a true and correct copy of the Tuscaloosa Municipal Court Records
This 02 Day of DEC 2015

[Signature]
Municipal Court Clerk

On 6/6/11 (date) the defendant appears in open court in person and Pleads Guilty Pleads Not Guilty.
After hearing the evidence Stipulation of Facts, Ore Tenus Testimony;
it is the judgment of the court that defendant is

 GUILTY. NOT GUILTY.
And is fined \$ together with \$ cost; and/or
 Sentenced to days in jail and/or Credit time served Suspended days
 Probation for Years, Months, Days, Until below orders are completed; and/or
 Supervised or Unsupervised
 Community Service at for Hours. In lieu of fine and costs
 Complete Court Program: GRO; DVIP; POINT; Other: ; and/or
 \$ per day for days incarcerated (housing); and/or
 Restitution to in the amount of \$ by
Other:
Other:

JUDGE SIGNATURE:

12/6/14 Dismissed.

STATE ABI SEARCH RESULT AND RAP SHEET

TCN:8121621241

NAME:

SOC:259777374

ABI RESULT:IDENT

SID:

TCN:8121621241

SID:AL

02-21-2017 07:08 ALLEA0049

*ATN/TCN8121621241

*OPR/AFIS

*FOLLOWING RESPONSE IS TO YOUR INQUIRY ON SID AL02395923 *

***** THERE ARE NO MORE INQUIRIES NECESSARY ON THIS *

***** RECORD - ALL ARRESTS ARE IN ALABAMA'S DATA BASE. *

***** NOTICE AND WARNING *****

- * THIS RECORD IS CONFIDENTIAL AND RESTRICTED *
- * FOR USE BY CRIMINAL JUSTICE AGENCIES ONLY. *
- * THIS IS NOT THE PUBLIC RECORD OF THE EVENTS *
- * DEPICTED AND DISSEMINATION IN VIOLATION OF *
- * THIS RESTRICTION WILL SUBJECT THE OFFENDER *
- * TO ALL APPLICABLE FEDERAL AND STATE CRIMINAL *
- * PENALTIES. THIS DOCUMENT MUST BE SECURED AND *
- * DESTROYED BY BURNING OR SHREDDING WHEN NO *
- * LONGER NEEDED. *

**CERTIFIED COPY
OF
ALEA DOCUMENT**

*ALABAMA CRIMINAL HISTORY- REPORT DATE: 02-21-2017 *

*NAME STATE ID NO: FBI ID NO. *

AS AL 23 383804LD5 *

*SEX RACE BIRTH DATE HEIGHT WEIGHT EYE HAIR POB *

*M W 02-12 600 190 GRN BRO GA *

*SOCIAL SECURITY SCARS-MARKS-TATTOOS *

*259777374 *

*FILE NUMBER BIRTH DATE SOCIAL SECURITY OCCUPATION *

*ARREST-01 *

* DATE OF ARREST - 04-03-2011 *

* AGENCY - TUSCALOOSA CO SHERIFFS OFFICE ORI - AL0630000 *

* NAME - *

* CHARGE 01 - 4801 RESISTING OFFICER-RESISTING ARREST *

* DATE OF OFFENSE - 04-03-2011 *

* AGENCY CASE NO. - 122215 *

* CHARGE 02 - 1399 ASSLT *

* DATE OF OFFENSE - 04-03-2011 *

* AGENCY CASE NO. - 122215 *

* DISP - DISP UNAVAILABLE DATE OF DISP - 07-07-201* *

* OFFENSE - 1399 ASSLT-DOMESTIC VIOLENCE 3RD *

*ARREST-02 *

* DATE OF ARREST - 04-03-2011 A *

* AGENCY - TUSCALOOSA PD ORI - AL0630100 *

* NAME - AS *

* CHARGE 01 - 1399 ASSLT-DOMESTIC VIOLENCE 3RD ASSAULT *

TUSCALOOSA COUNTY, AL

2017 MAR -6 PM 1:48

* DATE OF OFFENSE - 04-03-2011
* TOTAL NUMBER OF ARRESTS - 2
* RECORD LAST UPDATED 02/11/2017
* ALL ALABAMA ARRESTS RECEIVED BY ACJIC ARE INCLUDED
* IN THIS REPORT. WHEN EXPLANATION OF A CHARGE OR
* DISPOSITION IS NEEDED, COMMUNICATE DIRECTLY WITH
* THE ARRESTING AGENCY THAT FURNISHED THE DATA.
* RECORD IS CONFIDENTIAL AND INTENDED FOR USE
* BY CRIMINAL JUSTICE AGENCIES ONLY.
* LAST PAGE ON SID AL02395923

SEQ # 0167 MRI # 92071654

2017 MAR -6 PM 1:48
FUSCALOUSA COUNTY, AL

Certificate of Expungements

I hereby certify that the _____ have received the Order Granting Petition for Expungement of records for the Defendant,

RD MC 11-0001423 D.V. III (ASSAULT)

and is certifying that we have entered the expungement with in the required 180 days, and that the Defendant in this matter,

D MC 11-0001 D.V. III (ASSAULT)

records have been expunged and removed from our data bases.

Done this the _____, day of _____, 2017

Authorized Person to Certify

Print Name

TUSCALOOSA COUNTY, AL

2017 MAR -6 PM 1:48

Current Mailing Address

Case #: CC-17-200

NAME: _____ 2

ADDRESS: 518 HARRISON AVE

CITY: LEADVILLE STATE: _____

ZIP: 80461

DOB: 02-12-

SS#: 259-77-

PHONE #: 205

TUSCALOOSA COUNTY, AL.

2017 MAR -6 PM 1:48

ALABAMA JUDICIAL DATA CENTER

COURT PAYMENT SYSTEM

TUSCALOOSA COUNTY

*** RECEIPT ***

NO: 254575

DATE: 03/08/2017
TIME: 14:40:48

BATCH: 2017110

TYPE: CHECK

CASE: CC 2017 0200 .00

RECEIVED FROM: _____

AMOUNT: THREE HUNDRED AND NO CENTS-----\$*****300.00

FOR ACCOUNTS: MXP3 TUSCALO EXPG \$300.00

*** BALANCE OWED ON THIS CASE BY THIS PAYOR IS: \$0.00 ***

RECEIVED BY: RYM

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President and Presiding Officer of the Senate

Speaker of the House of Representatives

SB108
Senate 23-JAN-14
I hereby certify that the within Act originated in and passed
the Senate, as amended.

Senate 01-APR-14
I hereby certify that the within Act originated in and passed
the Senate, as amended by Conference Committee Report.

Patrick Harris
Secretary

House of Representatives
Passed: 20-MAR-14, as amended
House of Representatives
Passed: 01-APR-2014, as amended by Conference Committee
Report.

By: Senator Bedford



ALABAMA LAW ENFORCEMENT AGENCY

RECORDS AND IDENTIFICATION DIVISION

301 S. RIPLEY STREET / P.O BOX 1511 / MONTGOMERY, AL 36102
PHONE 334.353.4340 / ALEA.GOV

ROBERT BENTLEY
GOVERNOR

STAN STABLER
SECRETARY

KEVIN WRIGHT
DEPUTY SECRETARY

3/23/2017

The ALEA Records and Identification Division has received and processed your Alabama Criminal History Record Information (CHRI) request.

Our review found no state criminal records based on the information you provided in your application, based on a fingerprint check of Alabama criminal records only. As additions or deletions to an individual's criminal history may be made at any time, a new request for your state CHRI should be made via the same procedure if it is needed at a later date.

Please do not hesitate to contact us if we can be of further assistance in this matter.

Sincerely,

Lieutenant Melissa R. Hubbard
Acting Chief, ALEA Records and Identification



TCN:1141712361

NAME: [REDACTED] TENDREL

SOC:256958748

ABI RESULT:IDENT

SID: [REDACTED]

TCN:1141712361

SID: [REDACTED]

03-23-2017 15:47 ALLEA0049

*ATN/TCN1141712361

*OPR/AFIS

*FOLLOWING RESPONSE IS TO YOUR INQUIRY ON SID AL02777079 *

*-NO RECORD FOUND - REPORT DATE: 03-23-2017 *

*LAST PAGE ON SID AL02777079

SEQ # 1608 MRI # 99200398

CERTIFIED COPY
OF
ALEA DOCUMENT

[REDACTED]

[REDACTED]

[REDACTED]

FINGERPRINT CARD

APPLICANT

LEAVE BLANK

TYPE OR PRINT ALL INFORMATION IN BLACK

LAST NAME NAM

FIRST NAME

MIDDLE NAME

FBI

LEAVE BLANK

SIGNATURE OF PERSON FINGERPRINTED

ALIASES AKA

O
R
I

**ALAST0000
BU OF INVEST
MONTGOMERY, AL**

DATE OF BIRTH DOB
Month Day Year

RESIDENCE OF PERSON FINGERPRINTED

CITIZENSHIP CTZ

SEX

RACE

HGT

WGT

EYES

HAIR

PLACE OF BIRTH POB

DATE

SIGNATURE OF OFFICIAL TAKING FINGERPRINTS

YOUR NO. OCA

LEAVE BLANK

EMPLOYER AND ADDRESS

**TUSCALOOSA COUNTY SCHOOLS
P.O. BOX 2568
TUSCALOOSA, ALABAMA 35403**

FBI NO. FBI

ARMED FORCES NO. MNU

CLASS _____

REF. _____

REASON FINGERPRINTED

SOCIAL SECURITY NO. SOC

MISCELLANEOUS NO. MNU

1. R. THUMB

2. R. INDEX

3. R. MIDDLE

4. R. RING

5. R. LITTLE

6. L. THUMB

7. L. INDEX

8. L. MIDDLE

9. L. RING

10. L. LITTLE

LEFT FOUR FINGERS TAKEN SIMULTANEOUSLY

L. THUMB

R. THUMB

RIGHT FOUR FINGERS TAKEN SIMULTANEOUSLY

FEDERAL BUREAU OF INVESTIGATION
UNITED STATES DEPARTMENT OF JUSTICE

CJIS DIVISION / CLARKSBURG, WV 26306

APPLICANT

1. LOOP



CENTER
OF LOOP

DELTA

THE LINES BETWEEN CENTER OF
LOOP AND DELTA MUST SHOW

2. WHORL



DELTA

THESE LINES RUNNING BETWEEN
DELTA MUST BE CLEAR

3. ARCH



ARCHES HAVE NO DELTAS

TO OBTAIN CLASSIFIABLE FINGERPRINTS:

1. USE BLACK PRINTER'S INK.
2. DISTRIBUTE INK EVENLY ON INKING SLAB.
3. WASH AND DRY FINGERS THOROUGHLY.
4. ROLL FINGERS FROM NAIL TO NAIL, AND AVOID ALLOWING FINGERS TO SLIP.
5. BE SURE IMPRESSIONS ARE RECORDED IN CORRECT ORDER.
6. NOTATE IN THE APPROPRIATE FINGER BLOCKS IF APPLICANT IS MISSING ONE OR MORE FINGERS FOR ANY REASON. IF NOT MISSING, ALL TEN IMPRESSIONS MUST BE PROVIDED WITH SCARS AND DEFORMITIES NOTATED.
7. IF SOME PHYSICAL CONDITION MAKES IT IMPOSSIBLE TO OBTAIN PERFECT IMPRESSIONS, SUBMIT THE BEST THAT CAN BE OBTAINED.
8. EXAMINE THE COMPLETED PRINTS TO SEE IF THEY CAN BE CLASSIFIED, BEARING IN MIND THAT MOST FINGERPRINTS FALL INTO THE PATTERNS SHOWN ON THIS CARD (OTHER PATTERNS OCCUR INFREQUENTLY AND ARE NOT SHOWN HERE).

THIS CARD FOR USE BY:

1. LAW ENFORCEMENT AGENCIES IN FINGERPRINTING APPLICANTS FOR LAW ENFORCEMENT POSITIONS.*
2. OFFICIALS OF STATE AND LOCAL GOVERNMENTS FOR PURPOSES OF EMPLOYMENT, LICENSING, AND PERMITS, AS AUTHORIZED BY STATE STATUTES AND APPROVED BY THE ATTORNEY GENERAL OF THE UNITED STATES. LOCAL AND COUNTY ORDINANCES, UNLESS SPECIFICALLY BASED ON APPLICABLE STATE STATUTES DO NOT SATISFY THIS REQUIREMENT.*
3. U.S. GOVERNMENT AGENCIES AND OTHER ENTITIES REQUIRED BY FEDERAL LAW.**
4. OFFICIALS OF FEDERALLY CHARTERED OR INSURED BANKING INSTITUTIONS TO PROMOTE OR MAINTAIN THE SECURITY OF THOSE INSTITUTIONS.

INSTRUCTIONS:

1. PRINTS MUST FIRST BE CHECKED THROUGH THE APPROPRIATE STATE IDENTIFICATION BUREAU, AND ONLY THOSE FINGERPRINTS FOR WHICH NO DISQUALIFYING RECORD HAS BEEN FOUND LOCALLY SHOULD BE SUBMITTED FOR FBI SEARCH.
 2. PRIVACY ACT OF 1974 (P.L. 93-579) REQUIRES THAT FEDERAL, STATE, OR LOCAL AGENCIES INFORM INDIVIDUALS WHOSE SOCIAL SECURITY NUMBER IS REQUESTED WHETHER SUCH DISCLOSURE IS MANDATORY OR VOLUNTARY, BASIS OF AUTHORITY FOR SUCH SOLICITATION, AND USES WHICH WILL BE MADE OF IT.
 - ** 3. IDENTITY OF PRIVATE CONTRACTORS SHOULD BE SHOWN IN SPACE "EMPLOYER AND ADDRESS". THE CONTRIBUTOR IS THE NAME OF THE AGENCY SUBMITTING THE FINGERPRINT CARD TO THE FBI.
 4. FBI NUMBER, IF KNOWN, SHOULD ALWAYS BE FURNISHED IN THE APPROPRIATE SPACE.
- MISCELLANEOUS NO. - RECORD; OTHER ARMED FORCES NO., PASSPORT NO. (PP), ALIEN REGISTRATION NO. (AR), PORT SECURITY CARD NO. (PS), SELECTIVE SERVICE NO. (SS), VETERANS' ADMINISTRATION CLAIM NO. (VA).

LEAVE THIS SPACE BLANK

DIRECTIONS ACJIS

ACJIS

334-353-4320

834 Adams Ave.
Montgomery, AL

- Must have a State issued ID and a Money Order for \$ 25.00 made payable to **ALEA**
- Bring me back the Background and a check for the fee and we will file the Petition the next day
- It has been taking approximately 60-65 days to get the Order and have it in the system in Montgomery.
- The hours of operation are 8-4:30 pm

CERTIFICATION OF SERVICE

I, _____, a _____ for the Shelby
County District Attorney, certify that I have received a copy of the petition for expungement, a copy of
the certified case action summary or certified arrest record and a copy of the certified criminal
background check from ACJIC for NAME Of Client
Case numbers **DC 2013-2430 and DC 2013-2431.**

Received on this _____ day of _____, 20____.

Signed,

Witness

STATE'S RESPONSE



ELECTRONICALLY FILED
3/13/2017 8:59 AM
63-CC-2017-020047.00
CIRCUIT COURT OF
TUSCALOOSA COUNTY, ALABAMA
MAGARIA HAMNER BOBO, CLERK

**IN THE CIRCUIT COURT FOR TUSCALOOSA COUNTY, ALABAMA
SIXTH JUDICIAL CIRCUIT**

STATE OF ALABAMA,

)

VS.

)

)

CASE NO.: CC 2017-20

)

)

DEFENDANT.

)

)

STATE'S RESPONSE TO PETITION FOR EXPUNGEMENT

Comes Now the State of Alabama, by and through Jonathan Cross, Chief Assistant District Attorney for the Sixth Circuit of Alabama, and hereby:

- OBJECTS TO THIS PETITION
- GIVES NOTICE OF NO OBJECTION TO THIS PETITION

Respectfully Submitted,
/s/ Jonathan Cross
Jonathan Cross (CRO057)
Chief Assistant District Attorney

CERTIFICATE OF SERVICE

I hereby certify that I have served a copy of the foregoing document upon the opposing party, by either placing a copy in the U. S. Mail, with sufficient postage prepaid, or by hand delivering a copy to the Defendant or his Counsel, or by electronically filing with the Circuit Clerk.

/s/ Jonathan Cross
Jonathan Cross (CRO057)
Chief Assistant District Attorney

STATE OF ALABAMA)

:

TUSCALOOSA COUNTY)

AFFIDAVIT OF PROSECUTOR

I DO HEREBY SWEAR AND AFFIRM THAT I HAVE REVIEWED THE
CASE FILE & PETITION FOR EXPUNGEMENT ON BEHALF OF
_____, AND DO NOT HAVE ANY OBJECTION TO THE
GRANTING OF HIS/HER PETITION FOR EXPUNGEMENT AS IT RELEATES
TO HIS/HER
CASE(S)_____

_____.

PROSECUTING ATTORNEY

SUBSCRIBED AND SWORN TO BEFORE ME ON THIS THE _____ DAY OF
_____, 2014.

Notary Public in and for the
State of Alabama at Large.

My Commission Expires:_____

Certificate of Expungements

I hereby certify that the _____ has received the Petition for the Defendant _____, and is certifying that we have entered the expungement within the required 180 days, and that the Defendant _____ in this matter records have been expunged and removed from our data bases.

Done this the _____, day of _____, 2017

Authorized Person to Certify
Print Name

CLIENT CERTIFICATION TO RELEASE CRIMINAL HISTORY

I _____ do hereby request that that my criminal history be provided to my attorneys at Jason C. Neff, LLC at 2610 6th Street, Suite B Tuscaloosa, AL. I have retained them to seek Expungement of my previous arrest(s). Please feel free to contact me directly at _____, or _____.

Done this the _____ day of _____, 2017

MOTION FOR FINAL ORDER

IN THE CIRCUIT COURT OF TUSCALOOSA COUNTY, ALABAMA

STATE OF ALABAMA,)
)
PLAINTIFF,)
v.) CASE NO. CC-2014-20008
) JHE
MICKEY MOUSE,)
)
DEFENDANT,)

MOTION FOR FINAL ORDER OF EXPUNGEMENT

JOSEPH HARDING (“Defendant”), by and through his/her undersigned counsel, Jason C. Neff, respectfully requests this Honorable Court enter a Final Order of Expungement in the above entitled action. As grounds for this Motion, Defendant states as follows:

1. Defendant filed his Petition for Expungement of Records on February 5, 2017, with all parties requiring notice being served via hand delivery and/or first class mail the same day.
2. More than forty-five (45) days have passed with no objection from any parties requiring service.

WHEREFORE, THESE PREMISES CONSIDERED, Defendant respectfully requests and moves this Honorable Court for a Final Order of Expungement.

RESPECTFULLY SUBMITTED, this the ____ day of April, 2017.

/s/ Jason C. Neff _____
Jason C. Neff (NEF002)
Attorney for Defendant

OF COUNSEL:

JASON C. NEFF, LLC
Attorneys at Law
2610 6TH STREET, SUITE B
Tuscaloosa, Alabama 35401
Telephone (205) 345-1601
Facsimile (205) 345-2862
www.JASONCNEFF.COM

ORDER GRANTING EXPUNGEMENT

IN THE CIRCUIT COURT OF TUSCALOOSA COUNTY, ALABAMA

STATE OF ALABAMA)
V.) Case No.: CC-20__-020____.00
Defendant.)

ORDER GRANTING PETITION FOR EXPUNGEMENT OF RECORDS

Having reviewed Petitioner's Petition for Expungement of Records and in accordance with Chapter 27 of Title 15 of the Code of Alabama, the Court hereby GRANTS his petition to expunge State of Alabama v. _____, Case No. (Charge).

Records which shall be expunged are included, but not limited to, arrest records, booking or arrest photographs of the petitioner, index references such as the State Judicial Information System or any other governmental index references for public records search, and other data, whether in documentary or electronic form, relating to the arrest or charge. Code of Ala. §15-27-9. Specifically, in this petition, the Court specifies the following information to notify the record keeper of the records to be expunged:

Names
Aliases
Date of Birth
XXX-XX-1234
Address Line 1
Address Line 2

Every agency with records relating to this arrest, charge, or matters arising out of the arrest or charge that is Ordered to do so shall have 180 days to certify with the Court that the required expungement action has been completed. Code of Ala. §15-27-6(a). Except as provided below, after the expungement of records in the custody of the Court and any other agency official, the proceedings regarding the charge are deemed to never have occurred and any inquiries regarding the record shall not exist and are not to be disclosed. Id. at (b). As previously stated, there are exceptions, and the Court notes them below for Petitioner:

- 1. Privileged presentence or postsentence investigation reports produced by the Alabama Board of Pardons and Paroles and its officers, records, documents, databases, and files of the district attorney and the Office of Prosecution Services pursuant to §15-27-6(a);
2. Petitioner whose record was expunged shall not have to disclose the fact of the record or any matter relating thereto on an application for employment, credit, or other type of application. However, the petitioner whose record was expunged shall

have the duty to disclose the fact of the record and any matter relating thereto to any government regulatory or licensing agency, any utility and its agents and affiliates, or any bank or other financial institution. In these circumstances, the government regulatory or licensing agency, utility and its agents and affiliates, or the bank or other financial institution shall have the right to inspect the expunged records after filing notice with the court. Id. at §15-27-6(b).

3. Nothing in this Order shall prohibit a law enforcement agency or official, district attorney or a prosecuting authority, the Alabama Department of Forensic Sciences, or the Department of Human Resources from maintaining an investigative file, report, case file, or log which may include any evidence, biological evidence, photographs, exhibits, or information in documentary or electronic form. Id. at §15-27-10.
4. Nothing in this Order shall be applicable to the Alabama Securities Commission, its statutes, rules, regulations, policies, information repository, or records, nor shall any expungement information, record, document, whether printed, electronic, or otherwise, or file which is expunged under this chapter be considered nondisclosable or nonreportable to or by the Alabama Securities Commission. Any requirement for licensing or registration which includes information that has been otherwise expunged under this chapter shall remain reportable as required by the Alabama Securities Commission, applicable federal law, or adopted rules and regulations or as required by any securities-related self-regulatory organization rules, policies, or procedures. Id. at §15-27-14.
5. Notwithstanding any other provision of the code section(s), an applicant for a position in law enforcement or corrections or a law enforcement or correctional officer shall disclose and produce any expunged record pursuant to this chapter or any other state law to the Alabama Peace Officers' Standards and Training Commission, and the commission shall have access to any expunged records sealed or archived pursuant to this chapter for purposes of certification and regulation of persons as correctional and law enforcement officers. Id. at §15-27-18.

It is also noted that this Order does not entitle Petitioner to ship, transport, possess, or receive a firearm. Code of Ala. §15-27-15. This right may be restored, if previously taken away as a consequence of the expunged conviction, by a Certificate of Pardon with Restoration of Civil and Political Rights from the Alabama Board of Pardons and Paroles. Id.

Wherefore, the Court hereby GRANTS the petition and Orders the records relating to *State of Alabama v. _____*, Case No. (Charge) be expunged.

DONE this ____ day of _____, 2016.

CIRCUIT JUDGE

Proposed Legislation

HB405

By Representative England

1 HB28
2 180261-2
3 By Representative England
4 RFD: Judiciary
5 First Read: 07-FEB-17
6 PFD: 12/01/2016

2
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7
8 SYNOPSIS: Under existing law, a person charged with a
9 misdemeanor criminal offense, traffic violation, or
10 municipal ordinance violation and certain felony
11 offenses may petition the circuit court to have the
12 criminal record expunged if the charge was
13 dismissed or if he or she meets other limited
14 conditions.

15 This bill would provide for the expungement
16 of convictions for misdemeanor criminal offenses,
17 traffic violations, or municipal ordinance
18 violations and certain Class C and Class D felony
19 convictions, including those adjudicated as a
20 youthful offender, under limited circumstances.

21 Also under existing law, the filing fee to
22 expunge a criminal charge is \$300.

23 This bill would provide for a filing fee of
24 \$500 for the expungement of criminal convictions.

25
26 A BILL
27 TO BE ENTITLED

1 AN ACT

2
3 To amend Sections 15-27-1, 15-27-2, 15-27-3,
4 15-27-4, 15-27-6, 15-27-7, and 15-27-8, Code of Alabama 1975,
5 relating to the expungement of criminal records, to provide
6 for the expungement of convictions for misdemeanor criminal
7 offenses, traffic violations, or municipal ordinance
8 violations, including those adjudicated as a youthful
9 offender, under certain conditions; to provide for the
10 expungement of certain Class C and Class D felony convictions
11 under certain conditions; and to provide for a filing fee for
12 the expungement of criminal convictions.

13 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

14 Section 1. Sections 15-27-1, 15-27-2, 15-27-3,
15 15-27-4, 15-27-6, 15-27-7, and 15-27-8, Code of Alabama 1975,
16 are amended to read as follows:

17 "§15-27-1.

18 "(a) A person who has been charged with a
19 misdemeanor criminal offense, a violation, a traffic
20 violation, or a municipal ordinance violation may file a
21 petition in the criminal division of the circuit court in the
22 county in which the charges were filed, to expunge records
23 relating to the charge in any of the following circumstances:

24 "(1) When the charge is dismissed with prejudice.

25 "(2) When the charge has been no billed by a grand
26 jury.

1 "(3) When the person has been found not guilty of
2 the charge.

3 "(4) When the charge was dismissed without prejudice
4 more than two years ago, has not been refiled, and the person
5 has not been convicted of any other felony or misdemeanor
6 crime, any violation, or any traffic violation, excluding
7 minor traffic violations, during the previous two years.

8 "(5)a. The charge was dismissed after successful
9 completion of a drug court program, mental health court
10 program, diversion program, veteran's court, or other
11 court-approved deferred prosecution program.

12 "b. Expungement may be a court-ordered condition of
13 a program listed in paragraph a.

14 "c. Expungement shall be available under this
15 subdivision immediately if agreed upon by both parties. If no
16 agreement is reached, a petitioner may file a petition no
17 earlier than one year after the successful completion of the
18 program.

19 "(b) A person who has been convicted, or adjudicated
20 as a youthful offender, of a misdemeanor criminal offense, a
21 traffic violation, or a municipal ordinance violation may file
22 a petition in the criminal division of the circuit court in
23 the county in which the charges were filed or the conviction
24 was entered to expunge records relating to the charge when all
25 of the following circumstances exist:

1 "(1) All probation or parole requirements have been
2 completed, including the full payment of all fines, costs,
3 restitution, or other court-ordered amounts.

4 "(2) Three years have passed from the date of
5 conviction.

6 "(3) The person has no prior conviction for a
7 violent felony offense as defined in Section 12-25-32.

8 "(4) The person is not a convicted sex offender.

9 "(5) The person was not convicted of a domestic
10 violence offense under Article 7, Chapter 6, Title 13A, Code
11 of Alabama 1975.

12 "(6) The person was not operating a commercial
13 vehicle that required the person to possess a commercial
14 driver's license at the time of the violation that led to the
15 conviction.

16 "(7) The person was not convicted of any of the
17 offenses enumerated in 49 C.F.R. § 383.51.

18 "(b)(c) The circuit court shall have exclusive
19 jurisdiction of a petition filed under subsection (a) or (b).

20 "§15-27-2.

21 "(a) A person who has been charged with a felony
22 offense, ~~except a violent offense as defined in Section~~
23 ~~12-25-32(14),~~ except an offense for which there is no statute
24 of limitations and in which there has not been an acquittal,
25 may file a petition in the criminal division of the circuit
26 court in the county in which the charges were filed, to

1 expunge records relating to the charge in any of the following
2 circumstances:

3 "(1) When the charge is dismissed with prejudice.

4 "(2) When the charge has been no billed by a grand
5 jury.

6 "(3) When the person has been found not guilty of
7 the charge, other than not guilty by reason of mental disease
8 or defect.

9 "(4)a. The charge was dismissed after successful
10 completion of a drug court program, mental health court
11 program, diversion program, veteran's court, or any
12 court-approved deferred prosecution program ~~after one year~~
13 ~~from successful completion of the program.~~

14 "b. Expungement may be a court-ordered condition of
15 a program listed in paragraph a.

16 "c. Expungement shall be available under this
17 subdivision immediately if agreed upon by both parties. If no
18 agreement is reached, a petitioner may file a petition no
19 earlier than one year after the successful completion of the
20 program.

21 "(5) The charge was dismissed without prejudice more
22 than five years ago, has not been refiled, and the person has
23 not been convicted of any other felony or misdemeanor crime,
24 any violation, or any traffic violation, excluding minor
25 traffic violations, during the previous five years.

1 "(6) Ninety days have passed from the date of
2 dismissal with prejudice, no-bill, acquittal, or nolle
3 prosequi and the charge has not been refiled.

4 "(7) The charge was pardoned by the Board of Pardons
5 and Paroles and the charge is neither of the following:

6 "a. A violent felony as defined in Section 12-25-32.

7 "b. A sex offense as defined in Section 15-20A-5.

8 "(b) A person who has been convicted, or adjudicated
9 as a youthful offender, of a Class C or Class D felony may
10 file a petition in the circuit court in the county in which
11 the charges were filed or the conviction entered to expunge
12 all records relating to the conviction when all of the
13 following circumstances exist:

14 "(1) All probation or parole requirements have been
15 completed, including the full payment of all fines, costs,
16 restitution, or other court-ordered amounts.

17 "(2) Five years have passed from the date of
18 conviction.

19 "(3) The person has no prior conviction for any
20 felony offense.

21 "(4) The offense is not a violent felony as defined
22 in Section 12-25-32.

23 "(5) The offense is not a sex offense as defined in
24 Section 15-20A-5.

25 "(6) The offense is not a domestic violence offense
26 under Article 7, Chapter 6, Title 13A.

27 "(7) The person is not a convicted sex offender.

1 "(8) The person does not have a criminal charge
2 pending.

3 "~~(b)~~(c) The circuit court shall have exclusive
4 jurisdiction of a petition filed under subsection (a) or (b).

5 "§15-27-3.

6 "(a) A petition filed under this chapter shall
7 include a sworn statement made by the person seeking
8 expungement under the penalty of perjury stating that the
9 person has satisfied the requirements set out in this chapter
10 and whether he or she has previously applied for an
11 expungement in any jurisdiction and whether an expungement has
12 been previously granted.

13 "(b) The petitioner shall include a certified record
14 of arrest, disposition, or the case action summary from the
15 appropriate agency for the court record the petitioner seeks
16 to have expunged as well as a certified official criminal
17 record obtained from the Alabama Criminal Justice Information
18 Center. In addition to setting forth grounds for the court to
19 consider, the petitioner shall specify what criminal charges
20 from the record are to be considered, further specify the
21 agency or department that made the arrest and any agency or
22 department where the petitioner was booked or was incarcerated
23 or detained pursuant to the arrest or charge sought to be
24 expunged.

25 "(c) A petitioner shall serve the district attorney,
26 the law enforcement agency, and clerk of court of the
27 jurisdiction for which the records are sought to be expunged,

1 a copy of the petition, and the sworn affidavit. Upon
2 notification of the petitioner, the district attorney shall
3 make reasonable efforts to notify the victim of the petitioner
4 filing the petition if the case for which the petition was
5 filed qualifies under Section 15-27-1(b) or Section
6 15-27-2(b). The district attorney shall review the petition
7 and may make reasonable efforts to notify the victim if the
8 petition has been filed seeking an expungement under
9 circumstances enumerated in paragraph a. of subdivision (4) of
10 Section 15-27-2 involving a victim that is not a governmental
11 entity. The district attorney and the victim shall have a
12 period of 45 days to file a written objection to the granting
13 of the petition or the district attorney shall be deemed to
14 have waived the right to object. The district attorney shall
15 serve the petitioner or the petitioner's counsel a copy of the
16 written objection.

17 "§15-27-4.

18 "(a) ~~In~~ For the expungement of records under
19 Sections 15-27-1(a) and 15-27-2(a), except for cases in which
20 there was an acquittal, in addition to any cost of court or
21 docket fee for filing the petition in circuit court, an
22 administrative filing fee of three hundred dollars (\$300)
23 shall be paid at the time the petition is filed and is a
24 condition precedent to any ruling of the court pursuant to
25 this chapter. The administrative filing fee shall not be
26 waived by the court and shall be distributed as follows:

1 "(1) Seventy-five dollars (\$75) to the State
2 Judicial Administrative Fund.

3 "(2) Twenty-five dollars (\$25) to the Alabama
4 Department of Forensic Sciences.

5 "(3) Fifty dollars (\$50) to the district attorney's
6 office.

7 "(4) Fifty dollars (\$50) to the clerk's office of
8 the circuit court having jurisdiction over the matter, for the
9 use and benefit of the circuit court clerk.

10 "(5) Fifty dollars (\$50) to the Public Safety Fund.

11 "(6) Fifty dollars (\$50) to the general fund of the
12 county where the arresting law enforcement agency is located
13 if the arrest was made by the sheriff's office to be used for
14 law enforcement purposes, or, if the arrest was made by
15 another law enforcement agency, to the municipality or other
16 entity or state agency funding the law enforcement activity.

17 "(b) For the expungement of records under Section
18 15-27-1(b) or 15-27-2(b), in addition to any cost of court or
19 docket fee for filing the petition in circuit court, an
20 administrative filing fee of five hundred dollars (\$500) shall
21 be paid at the time the petition is filed and is a condition
22 precedent to any ruling of the court pursuant to this chapter.
23 The administrative filing fee shall not be waived by the court
24 and shall be distributed as follows:

25 "(1) One hundred dollars (\$100) to the State
26 Judicial Administrative Fund.

1 "(2) Forty-five dollars (\$45) to the Alabama
2 Department of Forensic Sciences.

3 "(3) One hundred fifteen dollars (\$115) to the
4 district attorney's office.

5 "(4) Eighty dollars (\$80) to the clerk's office of
6 the circuit court having jurisdiction over the matter, for the
7 use and benefit of the circuit court clerk.

8 "(5) Eighty dollars (\$80) to the Public Safety Fund.

9 "(6) Eighty dollars (\$80) to the general fund of the
10 county where the arresting law enforcement agency is located
11 if the arrest was made by the sheriff's office to be used for
12 law enforcement purposes, or, if the arrest was made by
13 another law enforcement agency, to the municipality or other
14 entity or state agency funding the law enforcement activity.

15 ~~"(b)~~ (c) Notwithstanding subsection (a) or (b), a
16 person seeking relief under this chapter may apply for
17 indigent status by completing an Affidavit of Substantial
18 Hardship and Order which shall be submitted with the petition.
19 If the court finds the petitioner is indigent, the court may
20 set forth a payment plan for the petitioner to satisfy the
21 filing fee over a period of time, which shall be paid in full,
22 prior to any order granting an expungement.

23 ~~"(c)~~ (d) If a petitioner seeks expungement of an
24 arrest record and the court in the original case made a clear
25 and unequivocal judicial finding on the record that the arrest
26 had no foundation of probable cause, the court, in the

1 expungement proceeding, shall waive all docket fees and court
2 costs, except for the filling fee in subsection (a).

3 "§15-27-6.

4 "(a) Except as provided in Section 15-27-10, upon
5 the granting of a petition pursuant to this chapter, the
6 court, pursuant to Section 15-27-9, shall order the
7 expungement of all records in the custody of the court and any
8 records in the custody of any other agency or official,
9 including law enforcement records, except privileged
10 presentence or postsentence investigation reports produced by
11 the Alabama Board of Pardons and Paroles and its officers,
12 records, documents, databases, and files of the district
13 attorney and the Office of Prosecution Services. On July 7,
14 2014, and for 18 months thereafter, every agency with records
15 relating to the arrest, charge, or other matters arising out
16 of the arrest or charge that is ordered to expunge the records
17 shall certify to the court within 180 days of the entry of the
18 expungement order that the required expungement action has
19 been completed.

20 "(b) After the expungement of records pursuant to
21 subsection (a), the proceedings regarding the charge shall be
22 deemed never to have occurred. Except as provided in this
23 chapter, the court and other agencies shall reply to any
24 inquiry that no record exists on the matter. The petitioner
25 whose record was expunged shall not have to disclose the fact
26 of the record or any matter relating thereto on an application
27 for employment, credit, or other type of application. However,

1 the petitioner whose record was expunged shall have the duty
2 to disclose the fact of the record and any matter relating
3 thereto to any government regulatory or licensing agency, any
4 utility and its agents and affiliates, or any bank or other
5 financial institution. In these circumstances, the government
6 regulatory or licensing agency, utility and its agents and
7 affiliates, or the bank or other financial institution shall
8 have the right to inspect the expunged records after filing
9 notice with the court.

10 "(c) A petitioner shall have the right to obtain
11 documentation that an expungement was granted upon filing a
12 notice with the court requesting documentation and
13 establishing proof of identity. The documentation shall be
14 limited to the case number, petitioner's name, a listing of
15 the charges, if requested by the petitioner, and a written
16 certification that the case was expunged that is signed by the
17 circuit clerk or presiding judge.

18 "§15-27-7.

19 "(a) Upon receipt of the order of expungement, a
20 criminal justice agency in possession of records subject to
21 the order shall immediately forward the records to the Alabama
22 Criminal Justice Information Center. The center shall
23 digitally archive the records in a manner prescribed by the
24 Alabama ~~Criminal~~ Justice Information ~~Center~~ Commission and
25 designate the records as protected notwithstanding any other
26 provisions of this chapter. Such records may not be used for
27 any non-criminal justice purpose and may only be made

1 available to criminal justice agencies upon acknowledgement of
2 an investigation or other criminal matter involving the person
3 related to the expungement, or used in criminal proceedings
4 upon an order of the court for the limited purpose of
5 impeachment after a showing of contradictory testimony by the
6 petitioner. Any expunged records that were added to a federal
7 database shall be requested to be removed and not made
8 available within any interstate criminal database.

9 "(b) Records expunged under this chapter may not be
10 transmitted to the Federal Bureau of Investigation national
11 criminal records repository. Any record subject to be expunged
12 under this chapter and transmitted to the Federal Bureau of
13 Investigation prior to the expungement of such record shall be
14 requested for withdrawal within the national system by the
15 Alabama Criminal Justice Information Center.

16 "§15-27-8.

17 "Once the records are expunged pursuant to this
18 chapter, the records, except for records held electronically
19 in the Criminal Justice Information System (CJIS), shall be
20 forwarded to the Alabama Criminal Justice Information Center
21 in a manner prescribed by the Alabama ~~Criminal~~ Justice
22 Information ~~Center~~ Commission for purposes of archiving, and
23 the records shall be stored in a manner prescribed by the
24 Alabama ~~Criminal~~ Justice Information ~~Center~~ Commission. The
25 records shall be retained by the Alabama Criminal Justice
26 Information Center indefinitely. The Alabama Justice
27 Information Commission shall prepare and present a written

1 report to the Legislature on a yearly basis to describe the
2 type and number of records stored and the conditions of the
3 storage. Records held electronically in CJIS shall be sealed
4 from view and only available by a court order obtained
5 pursuant to this chapter."

6 Section 2. Records that have been expunged pursuant
7 to Chapter 27, Title 15, Code of Alabama 1975, shall be
8 released for use in a civil suit filed by a person for whom
9 expungement was granted that is related to, or arising from,
10 the arrest or conviction that was the subject of the
11 expungement.

12 Section 3. This act shall become effective on the
13 first day of the third month following its passage and
14 approval by the Governor, or its otherwise becoming law.