

SECTION 3 PETITION INSERT - CRIMINAL CONVICTION CASES eligible for expungment under IC 35-38-9-3 (Cases in which the highest offense level on which a conviction was entered is a **CLASS D/LEVEL 6 FELONY that DID NOT RESULT IN BODILY INJURY**).

INSERT THE FOLLOWING PAGE AFTER THE BEGINNING SECTION OF THE **PETITION** AS A SEPARATE COUNT:

- IF YOUR **PETITION** WILL ADDRESS MORE THAN ONE CRIMINAL CAUSE NUMBER, THEN EACH CAUSE NUMBER SHOULD BE ADDRESSED IN A SEPARATELY NUMBERED COUNT.
- THE SEPARATE COUNTS SHOULD BE INSERTED IN ORDER OF THE COUNT NUMBER BETWEEN THE BEGINNING AND END SECTIONS OF THE **PETITION**.
- TO COMPLETE THIS FORM BY HAND, CLICK THE "CLEAR FORM ENTRIES" BUTTON AND PRINT FORM.

DO NOT INCLUDE THIS INSTRUCTION PAGE IN YOUR PETITION.

COUNT [[III]]:
CONVICTION FOR A CLASS D FELONY THAT
DID NOT RESULT IN BODILY INJURY

1. Petitioner was arrested in [[Bartholomew]] County on _____ by _____, employed by the law enforcement agency known as _____ under law enforcement agency case number _____;
2. Petitioner was convicted on the following charges on _____, under Cause Number _____ in [[Bartholomew]] [[Superior]] Court, [[Criminal Division]], Room ____:
 - a. _____, [[Level]] [[D]] [[misdemeanor]];
 - b. _____, [[Level]] [[D]] [[misdemeanor]];
 - c. _____, [[Level]] [[D]] [[misdemeanor]];
 - d. _____, [[Level]] [[D]] [[misdemeanor]];
3. Petitioner is not a person who is prohibited from seeking this remedy under the provisions of I.C. §35-38-9-3(b).
4. Elapsed time:
 - Eight (8) years have passed between the date of Petitioner's conviction and the filing of this Petition.
 - Fewer than eight (8) years have passed between the date of Petitioner's conviction and the filing of this Petition, but the [[Bartholomew]] County Prosecuting Attorney has provided written consent for a shorter elapsed time period (see attached letter of consent from [[Bartholomew]] County Prosecutor).
5. Criminal activity within the previous eight (8) years:
 - Petitioner affirms that, to the best of his knowledge, [[she]] has not committed another crime in any jurisdiction within the previous eight (8) years.
 - Petitioner affirms, under oath and subject to penalties for the crime of Perjury, that, to the best of [[her]] knowledge, [[she]] has not committed another crime in any jurisdiction within the shorter elapsed time period to which the prosecuting attorney has agreed.
6. Petitioner has:
 - Paid all fines, fees, and court costs, and no restitution obligation was imposed as part of [[her]] sentence.
 - Satisfied [[her]] restitution obligation of \$ _____ imposed as part of [[her]] sentence.
 - Been found indigent as to all outstanding fines, costs, and fees ordered as part of [[her]] sentence.
7. Appellate activity:
 - The case that Petitioner is requesting be sealed has not been appealed.
 - The case that Petitioner is requesting be sealed was appealed on _____ under the following appellate cause number: _____.

ORDER INSERT SECTION 3 - CRIMINAL CONVICTION CASES eligible for expungement under IC 35-38-9-3 (Cases in which highest offense level on which a conviction was entered is a CLASS D/LEVEL 6 FELONY that did NOT result in BODILY INJURY).

INSERT THE FOLLOWING PAGE AFTER THE BEGINNING SECTION OF THE **ORDER** AS A SEPARATE COUNT:

- IF YOUR **ORDER** WILL ADDRESS MORE THAN ONE CRIMINAL CAUSE NUMBER, THEN EACH CAUSE NUMBER SHOULD BE ADDRESSED IN A SEPARATELY NUMBERED COUNT.
- THE SEPARATE COUNTS SHOULD BE INSERTED IN ORDER OF THE COUNT NUMBER BETWEEN THE BEGINNING AND END SECTIONS OF THE **ORDER**.
- TO **COMPLETE THIS FORM BY HAND**, CLICK THE "CLEAR FORM ENTRIES" BUTTON AND PRINT FORM.

DO NOT INCLUDE THIS INSTRUCTION PAGE IN YOUR PETITION.

FINDINGS AS TO COUNT [[III]]:
A CLASS D FELONY THAT DID NOT RESULT IN BODILY INJURY

The Court now finds by a preponderance of the evidence that:

- 1. Petitioner’s verified petition for expungement seeks relief as provided by I.C. 35-38-9-3 for a conviction on a class D felony offense that did not result in bodily injury to another person, entered on the on the following charges on _____, under Cause Number _____ in [[Bartholomew]] [[Superior]] Court, [[Criminal Division]], Room ___:
 - a. _____, [[Level]] [[D]] [[misdemeanor]];
 - b. _____, [[Level]] [[D]] [[misdemeanor]];
 - c. _____, [[Level]] [[D]] [[misdemeanor]];
 - d. _____, [[Level]] [[D]] [[misdemeanor]];

- 1. Petitioner’s Verified Petition for Expungement complies with the requirements of I.C. 35-38-9-8.
- 2. Petitioner is not a person who is prohibited from seeking this remedy under the provisions of I.C. §35-38-9-3(b).
- 3. Elapsed time:

- Eight (8) years have elapsed between the date of Petitioner’s conviction and the filing of this Petition.
- The [[Bartholomew]] County Prosecuting Attorney has provided written consent for a shorter elapsed time period.

- 4. Criminal activity within the previous 5 years:

- Petitioner has not been convicted of another crime in any jurisdiction within the previous eight (8) years.
- Petitioner has not been convicted of another crime in any jurisdiction within the shorter elapsed time period to which the prosecuting attorney has agreed.

- 5. Petitioner has:

- Paid all fines, fees, and court costs, and no restitution obligation was imposed as part of [[her]] sentence.
- Satisfied the restitution obligation of \$ _____ imposed as part of [[her]] sentence.
- Been found indigent as to all outstanding fines, costs, and fees ordered as part of [[her]] sentence.

- 6. Appellate activity:

- The case that Petitioner is requesting be sealed has not been appealed.
- The case that Petitioner is requesting be sealed was appealed on _____ under the following appellate cause number: _____.

The Court now finds that Petitioner’s Expungement as to count [[III]] shall be GRANTED.

INSERT FOR EXHIBIT A (to be attached to the end of your **PROPOSED ORDER**):

- THE FOLLOWING “EXHIBIT A” PAGE SHOULD BE ATTACHED AT THE **END OF THE PROPOSED ORDER**.
- IF YOUR PROPOSED ORDER WILL ADDRESS MULTIPLE CAUSE NUMBERS, THEN YOU WILL NEED TO ATTACH A SEPARATE "EXHIBIT A" PAGE FOR EACH CAUSE NUMBER.
- IF MULTIPLE "EXHIBIT A" PAGES ARE ATTACHED TO YOUR PROPOSED ORDER, YOU NEED INCLUDE THE INFORMATION REQUESTED IN LINES 2-7 OF THE FORM ONLY ON THE FIRST “EXHIBIT A” PAGE.

**DO NOT INCLUDE THIS INSTRUCTION PAGE IN YOUR
PROPOSED ORDER.**

EXHIBIT A, Page ___ of ___:

FINDINGS AND ORDER GRANTING PETITION FOR EXPUNGEMENT OF CONVICTION RECORDS PURSUANT TO I.C. 35-38-9

1 Count ____, Cause Number: _____

2 **PETITIONER IDENTIFICATION INFORMATION:**

Full Name: _____

Alias Names, DOBs and SSNs:

DOB: _____

SSN: _____

3 **Addresses since arrest:**

4 _____

5 _____

6 _____

7 _____

8 **INDIVIDUAL ARREST INFORMATION:**

9 Criminal Cause Number: _____

10 Arresting Agency: _____

11 County/City of Arrest: _____

12 Law Enforcement Agency Case Number: _____

13 Date of Arrest: _____

Date of Dismissal: _____

14 **List of All Arrest Charges:**

Disposition of Charges:

_____, ____ M/F	

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16 **Expunged pursuant to I.C. § 35-38-9-6**

17 **Expunged pursuant to I.C. § 35-38-9-7**

18 **NOT expunged**

For Court use only.