

SECTION 4 PETITION INSERT - CRIMINAL CONVICTION CASES eligible for expungement under **IC 35-38-9-4** (Cases in which the highest offense level on which a conviction was entered is a **FELONY that DID NOT RESULT IN SERIOUS 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 [[C]] FELONY THAT
DID NOT RESULT IN SERIOUS BODILY INJURY

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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. §35-38-9-4(b).
4. Elapsed time:
 - Eight (8) years have passed between the date of Petitioner’s conviction and the filing of this Petition.
 - Three (3) years have passed between the date of completion of Petitioner’s sentence, on _____, and the filing of this petition
 - The period to time required under I.C. § 35-38-9-4(c) has not passed, but the _____ County Prosecuting Attorney has provided written consent for a shorter elapsed time period (see Exhibit ___ attached, letter of consent from Marion County Prosecutor).
5. Criminal activity within the previous eight (8) years:
 - Petitioner affirms that, to the best of [[her]] knowledge, [[she]] has not committed another crime in any jurisdiction within the previous eight (8) years.
 - Petitioner affirms 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 4 - CRIMINAL CONVICTION CASES eligible for expungement under IC 35-38-9-4 (Cases in which the highest offense level on which a conviction was entered is a FELONY that did NOT result in SERIOUS 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.

1 **FINDINGS AT TO COUNT _____ :**
2 **CONVICTION FOR A FELONY THAT DID NOT RESULT IN SERIOUS BODILY INJURY**

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

4 1. Petitioner’s verified petition for expungement seeks relief as provided by I.C. 35-38-9-4 for a
5 conviction on a felony that did not result in serious bodily injury, entered on the on the following
6 charges on _____, under Cause Number _____
7 in [[Bartholomew]] [[Superior]] Court, [[Criminal Division]], Room ____:

- 8 a. _____, [[Level]] [[D]] [[misdemeanor]];
- 9 b. _____, [[Level]] [[D]] [[misdemeanor]];
- 10 c. _____, [[Level]] [[D]] [[misdemeanor]];
- 11 d. _____, [[Level]] [[D]] [[misdemeanor]]

12 2. Petitioner is not a person who is prohibited from seeking this remedy under the provisions of I.C.
13 §35-38-9-4(b).

14 3. Elapsed time:

- 15 Eight (8) years have passed between the date of Petitioner’s conviction and the filing of this
16 Petition.
- 17 Three (3) years have passed between the date of completion of Petitioner’s sentence, on
18 _____, and the filing of this petition
- 19 The period to time required under I.C. § 35-38-9-4(c) has not passed, but the
20 [[Bartholomew]] County Prosecuting Attorney has provided written consent for a shorter
21 elapsed time period (see attached, letter of consent from Marion County Prosecutor).

22 4. Criminal activity within the previous eight (8) years:

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

27 5. Petitioner has:

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

34 6. Appellate activity:

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

38 7. The facts and circumstances pertaining to both Petitioner’s prior criminal conduct and Petitioner’s
39 current lifestyle warrant the expungement of the conviction records listed in Count [[III]] of this
40 Petition

41 8. 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 Disposition: _____

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.