

IN THE MUNICIPAL COURT OF CARBONDALE, KANSAS

CITY OF CARBONDALE,
Plaintiff

v.

Case No. _____

_____, Defendant

MANDATORY INFORMATION:

_____, _____, _____
Race, Sex, Date of Birth

Petitioner's Name at Time of Arrest

PETITION FOR PURPOSE OF EXPUNGEMENT

COMES NOW _____, the Petitioner herein and moves this
(Petitioner's name)
court to grant an ORDER OF EXPUNGEMENT of records relating to Case No. _____; arising out of an
occurrence on _____ and/or the charge of _____ for the following
reasons:

- More than three/five years have elapsed since the Petitioner satisfied the sentence imposed or was discharged from probation, parole or a suspended sentence; or
- More than three/five years have elapsed since the charge was dismissed; or
- The arrest occurred because of mistaken identity, or a court found there was no probable cause for the arrest, or the Petitioner was found Not Guilty in court proceedings.
- Petitioner has not been convicted of a felony in the past two years, and no proceedings involving any such crime is presently pending or being instituted against Petitioner.
- The circumstances and behavior of Petitioner warrant the expungement.

WHEREFORE, the Petitioner requests that this court grant this motion for the purpose of expunging the Petitioner's record of arrest, conviction, and/or dismissal.

Date _____

Signature of Petitioner _____

Street address _____ Email _____

City, state, zip _____ Cell phone _____

NOTICE OF HEARING

Take notice that the above Petition for Expungement will be called for hearing in the Municipal Court of Carbondale, Kansas, on the _____ day of _____, 20____ at _____ o'clock ____ M.

Municipal Court Clerk

NOTICE OF SERVICE

To: Prosecuting Attorney and Arresting Law Enforcement Agency

IN THE MUNICIPAL COURT OF CARBONDALE KANSAS

CITY OF CARBONDALE,
Plaintiff

v.

Case No. _____

_____,
Defendant

ORDER OF EXPUNGEMENT

NOW ON THIS _____ day of _____, _____, the above captioned matter comes on for hearing on Defendant's Petition for Expungement pursuant to K.S.A. 12-4516.

AFTER REVIEWING THE MATTER, the Court finds as follows:

1. Petitioner's full name at the time of arrest was _____.

2. The sex, race and birth date of the Petitioner are as follows: _____, _____, _____.

3. Petitioner was arrested or charged on the _____ day of _____, _____ by Carbondale Police Department for the violation of:

_____.

4. Petitioner's date of conviction or dismissal in this Court on the _____ day of _____, _____, of the violation of Ordinance No. _____, to-wit: _____.

THEREFORE, IT IS THE ORDER OF THIS COURT that the arrest, conviction and/or dismissal of the Petitioner, as described herein should be and the same is hereby ordered expunged for one or more of the following reasons:

- More than three/five years have elapsed since Petitioner satisfied the sentence imposed or was discharged from probation, parole or a suspended sentence.
- Petitioner has not been convicted of a felony in the past two years, and no proceedings involving any such crime is presently pending or being instituted against Petitioner.
- The arrest occurred because of a mistaken identify, or a court found there was no probable cause for the arrest, or Petitioner was found Not Guilty in court proceedings.
- The circumstances and behavior of Petitioner warrant the expungement.
- The expungement is consistent with the public welfare.

IT IS THE FURTHER ORDER OF THE COURT that except as may be provided by statute, Petitioner shall be treated as not having been charged of the offense described herein. The Court finds that in the interest of public welfare, the Petitioner's arrest, conviction and/or dismissal should be available as provided by Kansas statute.

The Clerk of the Court is directed to send a certified copy of the expungement to the Kansas Bureau of Investigation, and any other criminal justice agency which may have a record of said conviction or arrest.

Expungement Additional Information

When a Petition for Expungement is filed in Carbondale Municipal Court, a hearing date is scheduled. Once filed, the Petition is first forwarded to the prosecutor for review. The prosecutor reviews eligibility for expungement and determines if the City objects to the expungement. If the City objects, the parties will be expected to appear in court on the scheduled hearing date. If the City does not object, the Petition is sent to the Judge for review and consideration of granting the expungement without a hearing.

The statutory requirements for expungement can be found at K.S.A. 12-4516.

If you would like to submit additional information to assist the prosecutor and judge in reviewing your Petition for Expungement prior to your hearing date, you may fill out this form and submit it to the Carbondale Municipal Court at the time you file your Petition for Expungement and pay the filing fee.

This questionnaire is optional.

What were the circumstances which led to the offense(s) with which you were charged?

Why are you seeking expungement and why should you be considered for expungement?