

SECTION 5 PETITION INSERT - CRIMINAL CONVICTION CASES eligible for expungement under **IC 35-38-9-5** (Cases in which the highest offense level on which a conviction was entered is a **FELONY** that is **NOT ELIGIBLE** for expungement under Sections 2-4 and on which you have **OBTAINED WRITTEN CONSENT** from the county prosecutor regarding the expungement).

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 [[A]] FELONY

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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. §35-38-9-5(b).

4. Elapsed time:

Ten (10) years have passed between the date of Petitioner’s conviction and the filing of this Petition.

Five (5) 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. § 35-38-9-5(c) has not passed, but the _____ County Prosecuting Attorney has provided written consent for a shorter elapsed time period (see attached Exhibit, letter of consent from _____ County Prosecutor).

5. Criminal activity within the previous ten (10) years:

Petitioner affirms that, to the best of [[her]] knowledge, [[she]] has not committed another crime in any jurisdiction within the previous ten (10) 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: _____.

8. The **[[Barthomew]] County Prosecuting Attorney has consented in writing** to the expungement of the Petitioner’s criminal records described in this count (see attached Exhibit, letter of consent from _____ County Prosecutor.

ORDER INSERT SECTION 5 - CRIMINAL CONVICTION CASES eligible for expungement under IC 35-38-9-5 (Cases in which highest offense level on which a conviction was entered is a **FELONY that is **NOT ELIGIBLE** for expungement under Sections 2-4 and on which you have **OBTAINED WRITTEN CONSENT** from the county prosecutor regarding the expungement).**

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 PROPOSED ORDER.

FINDINGS AT TO COUNT :
CONVICTION FOR FELONY ELIGIBLE FOR EXPUNGEMENT UNDER I.C. § 35-38-9-5

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. 35-38-9-5 for a felony conviction, 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]]

2. Petitioner is not a person who is prohibited from seeking this remedy under the provisions of I.C. §35-38-9-5(b).

3. Elapsed time:

- Ten (10) years have passed between the date of Petitioner’s conviction and the filing of this Petition.
- Five (5) 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 [[Bartholomew]]County Prosecuting Attorney has provided written consent for a shorter elapsed time period (see attached, letter of consent from Marion County Prosecutor).

4. Criminal activity within the previous ten (10) years:

- Petitioner has not been convicted of another crime in any jurisdiction within the previous ten (10) 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 [[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.

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: _____.

7. The _____ **County Prosecuting Attorney has consented in writing** to the expungement of the Petitioner’s criminal records described in this count.

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

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.