

STATE OF INDIANA) IN THE [[BARTHOLOMEW]] [[SUPERIOR]] COURT
)SS: [[CRIMINAL DIVISION]], ROOM ____
COUNTY OF [[BARTHOLOMEW]]) CAUSE NO.: _____

IN RE THE PETITION FOR) Related Criminal Cause Numbers:
EXPUNGEMENT OF CONVICTION) _____
RECORDS OF:) _____
_____,) _____
Petitioner.) _____

VERIFIED PETITION FOR EXPUNGEMENT OF CONVICTION RECORDS
PURSUANT TO I.C. 35-38-9

1 Comes now the Petitioner, _____, in person and duly sworn upon
2 [[her]] oath, and does file this Petition for Expungement/Sealing of Records under the provisions of IC
3 35-38-9 Et Seq. and would respectfully request that the Court grant said petition and find that the
4 convictions listed in this petition be expunged pursuant to statute and that access to these convictions be
5 expunged in accordance with IC 35-38-9-6 or IC 35-38-9-7. In support thereof, the Petitioner would
6 swear and affirm to the following factual information:

INFORMATION PERTAINING TO ALL COUNTS

- 7
- 8 1. That Petitioner's full name is _____, and Petitioner has used
9 the following other names or aliases:
10 _____
11 _____
- 12 2. That Petitioner's date of birth is _____; Petitioner's Social Security Number is
13 XXX-XX-_____; and Petitioner's driver's license number is _____.
- 14 3. Since the commission of the first criminal offense addressed in this Petition, Petitioner has resided at
15 the following addresses:
16 a. _____
17 b. _____
18 c. _____
19 d. _____
20 e. _____

21 Petitioner has attached an additional page to the end of this petition that contains a list of
22 the remaining addresses where petitioner has resided since the first criminal offense
23 addressed in this petition.

24 4. Petitioner affirms, under oath and subject to penalties for the crime of Perjury that, to the best of
25 [[her]] knowledge, there are no criminal investigations and/or charges pending against [[her]] in any
26 jurisdiction.

27 5. The following is a list of all criminal convictions entered against Petitioner (including court; cause
28 number; title of offense(s) on which conviction was entered, date offense was committed, date of
29 conviction, appellate cause number (if applicable), and date of appellate opinion (if applicable)):

30 a. _____
31 _____
32 _____

33 b. _____
34 _____
35 _____

36 c. _____
37 _____
38 _____

39 Petitioner has attached an additional page to the end of this petition listing other criminal
40 convictions that have been entered against [[her]].

41 6. Petitioner acknowledges that [[she]] understands that IC 35-38-9-9 (i) allows [[her]] to file of only
42 one petition for expungement during [[her]] lifetime. Petitioner certifies that [[she]] has made a good
43 faith effort to remember and obtain records for all of [[her]] convictions. At the time of filing this
44 petition, Petitioner has no knowledge of any [[Bartholomew]] County convictions other than those
45 that are addressed by this petition. _____ (Petitioner's initials)

46 7. The following is a list of all other petitions filed pursuant to I.C. § 35-38-9 that the petitioner has filed
47 or will be filing in other Indiana counties:

48 a. _____
49 _____

50 b. _____
51 _____

52 Petitioner has attached an additional page to the end of this petition listing additional
53 expungement petitions filed in other Indiana counties.

54 8. Petitioner has served a copy of this petition upon the Prosecuting Attorney in accordance with the
55 Indiana Rules of Trial Procedure

[THE INSERTS PREPARED FOR EACH INDIVIDUAL COUNT (each criminal cause number to be expunged) SHOULD BE INSERTED BETWEEN OPENING AND CONCLUSION SECTIONS OF YOUR PETITION.]

[OMIT THIS PAGE FROM PETITION]

ADDITIONAL INFORMATION SUBMITTED BY PETITIONER

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36

1. Petitioner submits the following additional information to be considered by this Court in support of the Petition:

- a. _____
_____;
- b. _____
_____;
- c. _____
_____.

2. The following documents are attached to this petition as exhibits:

- A certified copy of a limited criminal history transcript from the Indiana State Police
- A copy of the chronological case summary for the following cause numbers showing payment of all fines, fees and court costs:

_____.

WHEREFORE, Petitioner respectfully requests this Court grant this Petition and order:

- 3. As to Counts _____, the expungement of Petitioner’s conviction records in accordance with **I.C. 35-38-9-6**, specifically:
 - a. The following agencies and entities shall be prohibited from releasing Petitioner’s records or information in Petitioner’s records to anyone without a court order, other than a law enforcement officer acting in the course of the officer’s official duty:
 - i. The Indiana Department of Corrections;
 - ii. The Indiana Bureau of Motor Vehicles;
 - iii. Each law enforcement agency who incarcerated , provided treatment for, or provided other services for the person under an order of the court; and
 - iv. Each person or entity who incarcerated , provided treatment for, or provided other services for the person under an order of the court;
 - b. The Indiana State Police Central Repository for Criminal History Information shall seal all records related to Petitioner’s expunged convictions and is prohibited from disclosing said records to anyone except those persons or entities specifically enumerated in I.C. 35-38-9-6(a)(2):
 - i. a prosecuting attorney, if:

- 37 (a) authorized by a court order; and
- 38 (b) needed to carry out the official duties of the prosecuting attorney;

- 39 ii. a defense attorney, if:
- 40 (a) authorized by a court order; and
- 41 (b) needed to carry out the professional duties of the defense attorney;

- 42 iii. a probation department, if:
- 43 (a) authorized by a court order; and
- 44 (b) necessary to prepare a presentence report; and

- 45 iv. the Federal Bureau of Investigation and the Department of Homeland Security, if
- 46 disclosure is required to comply with an agreement relating to the sharing of
- 47 criminal history information;

- 48 v. the:
- 49 (a) supreme court;
- 50 (b) members of the state board of law examiners;
- 51 (c) executive director of the state board of law examiners; and
- 52 (d) employees of the state board of law examiners, in accordance with rules
- 53 adopted by the state board of law examiners;
- 54 for the purpose of determining whether an applicant possesses the necessary good
- 55 moral character for admission to the bar; and

- 56 vi. a person required to access expunged records to comply with the Secure and Fair
- 57 Enforcement for Mortgage Licensing Act (12 U.S.C. 5101 et seq.) or regulations
- 58 adopted under the Secure and Fair Enforcement for Mortgage Licensing Act.

- 59 vii. the bureau of motor vehicles, the Federal Motor Carrier Administration, and the
- 60 Commercial Drivers License Information System (CDLIS), if disclosure is
- 61 required to comply with IC 9-24-6-2(d) relating to reporting a conviction for a
- 62 violation of a traffic control law.

- 63 c. The clerk of the Indiana Supreme Court shall be notified to seal any records in the clerk's
- 64 possession that relate to the conviction in a manner consistent with I.C. 35-38-9-6(c):
- 65 i. redact the opinion or memorandum decision as it appears on the computer
- 66 gateway administered by the office of technology so that it does not include the
- 67 petitioner's name (in the same manner that opinions involving juveniles are
- 68 redacted); and

- 69 ii. provide a redacted copy of the opinion to any publisher or organization to whom
- 70 the opinion or memorandum decision is provided after the date of the order of
- 71 expungement.

- 72 d. Except as provided in I.C. 35-38-9-6(c) and (d), the records of the sentencing court, a
- 73 juvenile court, the Court of Appeals of Indiana, and the Indiana Supreme Court
- 74 concerning Petitioner shall be permanently sealed;

75 4. As to Counts _____, the expungement of Petitioner's conviction records in
76 accordance with **I.C. 35-38-9-7**, specifically that:

77 a. Petitioner's conviction records under the listed cause numbers shall be expunged in accordance
78 with I.C. 35-38-9-7:

79 i. Court records and other public records relating to the arrest, conviction, or sentence of
80 Petitioner that have been marked expunged shall remain public records. However, the
81 Court now orders that those records be clearly and visibly marked or identified as being
82 expunged.

83 ii. The following agencies and entities in possession of records that relate to the conviction
84 ordered to be marked as expunged shall add an entry to Petitioner's record of arrest,
85 conviction, or sentence in the criminal history database stating that the records are
86 marked as expunged:

- 87 a) The Indiana Department of Correction;
- 88 b) The Indiana Bureau of Motor Vehicles;
- 89 c) Each law enforcement agency who incarcerated, provided treatment for, or provided
90 other services for the person under an order of the court; and
- 91 d) Each person or entity who incarcerated, provided treatment for, or provided other
92 services for the person under an order of the court, including

- 93 (1) _____;
- 94 (2) _____;
- 95 (3) _____;

96 and grant all other relief just and proper in the premises.

97 **AFFIRMATION**

98 **I AFFIRM, UNDER THE PENALTIES FOR PERJURY, THAT THE FOREGOING**
99 **REPRESENTATIONS ARE TRUE AND ACCURATE.**

100 _____
101 _____, Petitioner
102 [Printed name]

103 **CERTIFICATE OF SERVICE**

104 **The Petitioner hereby certifies that the foregoing pleadings have been served upon the**
105 **following persons or parties, via U.S. First Class mail, electronic mail, facsimile transmission, or**
106 **hand delivery on this day of _____:**

_____ **County Prosecutor's Office**

107 _____
108 **Signature of Petitioner**

109 _____
110 Petitioner

111 _____

112 _____

113 Phone: _____

114 Email: _____

115

1

Form Administrative Rule 9-G1

STATE OF INDIANA)	IN THE [[BARTHOLOMEW]] [[SUPERIOR]] COURT
)SS:	[[CRIMINAL DIVISION]], ROOM ____
COUNTY OF [[BARTHOLOMEW]])	CAUSE NO.: _____

IN RE THE PETITION FOR)
EXPUNGEMENT OF CONVICTION)
RECORDS OF:)
_____ ,)
Petitioner.)

2

**Administrative Rule 9(G)(5) Notice of Exclusion
of Confidential Information from Public Access
(FILED WITH TRIAL COURT CLERK)**

3

4

5

Contemporaneous with the filing of this notice, _____ has filed

6

confidential information on green paper in accordance with Administrative Rule 9(G)(6).

7

Pursuant to Administrative Rule 9(G)(5), _____ , provides this notice that the

8

confidential information contained on that green paper is to remain excluded from public access in

9

accordance with **Administrative Rule 9(G)(2)(f)**:

10

- **Confidential Information Form listing Petitioner's full Social Security Number**

NOT PUBLIC RECORD

Confidential Information Form

[THIS FORM MUST BE PRINTED OF GREEN PAPER]

1 XP CAUSE NUMBER: _____

2 PETITIONER'S NAME: _____

3 PETITIONER'S FULL SOCIAL SECURITY NUMBER:

4 _____

5.

[FINDINGS PERTAINING TO EACH INDIVIDUAL COUNT (each criminal cause number to be expunged) SHOULD BE INSERTED BETWEEN THESE SECTIONS.]

[OMIT THIS PAGE FROM ORDER]

NOT PUBLIC RECORD

36 maintained concerning sex or violent offenders, or any registration
 37 requirement imposed on the Petitioner; and
 38 (2) the expunged conviction must be clearly marked as expunged on the sex
 39 offender registry web site.

40 f. Expungement of any conviction records in accordance with this order does not affect any existing
 41 or pending driver's license suspension

42 g. Nothing in this Order should be construed to prevent the Indiana BMV from reporting information
 43 about a conviction for a violation of a traffic control law to the Commercial Drivers License
 44 Information System (CDLIS) in accordance with I.C. § 9-24-6-2(d).

45 2. **As to Counts** _____ (Cause numbers
 46 _____
 47 _____) Petitioner's

48 conviction records shall be **expunged in accordance with I.C. 35-38-9-6.**

49
 50 a. **Records in possession of state and local agencies and service providers:** the following agencies
 51 and entities are hereby prohibited from releasing Petitioner's records or information in Petitioner's
 52 records to anyone without a court order, other than a law enforcement officer acting in the course
 53 of the officer's official duty:

- 54 i. The Indiana Department of Corrections;
- 55 ii. The Indiana Bureau of Motor Vehicles, except as provided in paragraph 1(g) of this Order;
- 56 iii. Each law enforcement agency who incarcerated, provided treatment for, or provided other
 57 services for the person under an order of the court, including:

- 58 1. _____
- 59 2. _____; and

60 iv. Each person or entity who incarcerated, provided treatment for, or provided other services
 61 for the person under an order of the court, including:

- 62 1. _____
- 63 2. _____.

64 b. **Records in possession of the Indiana State Police Central Records Repository:** in accordance
 65 with I.C. 35-38-9-6(a)(2), the Indiana State Police Central Repository for Criminal History
 66 Information is hereby ordered to seal all records related to the above-listed cause numbers and is
 67 prohibited from disclosing said records to anyone except:

NOT PUBLIC RECORD

NOT PUBLIC RECORD

- 68 v. a prosecuting attorney, if:
- 69 1. authorized by a court order; and
- 70 2. needed to carry out the official duties of the prosecuting attorney;
- 71 vi. a defense attorney, if:
- 72 1. authorized by a court order; and
- 73 2. needed to carry out the professional duties of the defense attorney;
- 74 vii. a probation department, if:
- 75 1. authorized by a court order; and
- 76 2. necessary to prepare a presentence report; and
- 77 viii. the Federal Bureau of Investigation and the Department of Homeland Security, if
- 78 disclosure is required to comply with an agreement relating to the sharing of criminal
- 79 history information;
- 80 ix. the:
- 81 1. supreme court;
- 82 2. members of the state board of law examiners;
- 83 3. executive director of the state board of law examiners; and
- 84 4. employees of the state board of law examiners, in accordance with rules adopted by
- 85 the state board of law examiners;
- 86 for the purpose of determining whether an applicant possesses the necessary good moral
- 87 character for admission to the bar;
- 88 x. a person required to access expunged records to comply with the Secure and Fair
- 89 Enforcement for Mortgage Licensing Act (12 U.S.C. 5101 et seq.) or regulations adopted
- 90 under the Secure and Fair Enforcement for Mortgage Licensing Act; and
- 91 xi. the bureau of motor vehicles, the Federal Motor Carrier Administration, and the
- 92 Commercial Drivers License Information System (CDLIS), if disclosure is required to
- 93 comply with IC 9-24-6-2(d) relating to reporting a conviction for a violation of a traffic
- 94 control law.
- 95 c. **Records of the sentencing court, the juvenile court, the Court of Appeals and the Supreme**
- 96 **Court:** except as provided in I.C. 35-38-9-6(d), the records of the sentencing court, a juvenile
- 97 court, the Court of Appeals of Indiana, and the Indiana Supreme Court concerning Petitioner shall
- 98 be permanently sealed.
- 99 d. As petitioner has been named, in the following **appellate cause numbers** _____
- 100 _____,
- 101 as an appellant in an opinion or memorandum decision by the Indiana Supreme Court or the
- 102 Indiana Court of Appeals, the Clerk of the Indiana Supreme Court shall be notified to redact all
- 103 such opinions or memorandum decisions in a manner consistent with the provisions of I.C. 35-38-
- 104 9-6(c).
- 105 e. The Clerk shall send a copy of this Order to all parties of record or their attorneys, to the Indiana
- 106 State Police Central Repository for Criminal History; to the Indiana Department of Corrections,
- 107 to the Indiana Bureau of Motor Vehicles, and the following law enforcement agencies or entities
- 108 that possess records related to Petitioner's conviction:
- 109 i. The _____ County Sheriff's Department

NOT PUBLIC RECORD

NOT PUBLIC RECORD

110 ii. The _____ Police Department; and

111 iii. _____

112 3. **As to Counts** _____ (Cause numbers

113 _____

114 _____), Petitioner's

115 conviction records shall be **expunged in accordance with I.C. 35-38-9-7**, specifically:

116 a. All court records and other public records relating to the arrest, conviction, or sentence of
117 Petitioner that have been marked expunged shall remain public records. However, the Court now
118 orders that those records be clearly and visibly marked or identified as being expunged.

119 b. The following agencies and entities in possession of records that relate to the conviction ordered
120 to be marked as expunged shall add an entry to Petitioner's record of arrest, conviction, or
121 sentence in the criminal history database stating that the records are marked as expunged:

122 i. The Indiana Department of Correction;

123 ii. The Indiana Bureau of Motor Vehicles;

124 iii. Each law enforcement agency who incarcerated, provided treatment for, or provided
125 other services for the person under an order of the court; and

126 iv. Each person or entity who incarcerated, provided treatment for, or provided other
127 services for the person under an order of the court, including

128 (a) _____;

129 (b) _____;

130 (c) _____;

131 c. The Clerk shall send a copy of this Order to all parties of record or their attorneys, to the Indiana
132 State Police Central Repository for Criminal History; to the Indiana Department of Correction, to
133 the Indiana Bureau of Motor Vehicles, and the following law enforcement agencies or entities
134 that possess records related to Petitioner's conviction:

135 i. The _____ County Sheriff's Department

136 ii. The _____ Police Department; and

137 iii. _____;

138 d. As Petitioner has been named under the following appellate Cause Numbers: _____

139 _____,

140 the Clerk shall also send a copy of this Order to the Clerk of the Indiana Supreme Court, Court of
141 Appeals and Tax Court.

142 SO ORDERED this _____.

143
144
145
146

JUDGE | MAGISTRATE | COMMISSIONER

_____, Room ____

NOT PUBLIC RECORD

NOT PUBLIC RECORD

144 Notice to be given by: ___ Court ___ Clerk ___ Other:

145 **PROOF OF NOTICE**

146 A copy of the entry was served either by mail to the address of record, deposited in the
147 attorney's distribution box, or personally distributed to the following persons:

148 State of Indiana:

149 Petitioner:

150 Date of notice:

151 Initial of person who notified parties: ___ Court ___ Clerk ___ Other

Distribution To:

Attorney for Petitioner

Indiana State Police
Attn: Records Division
100 N Senate Ave., Room N301 (East)
Indianapolis, IN 46204

Petitioner

Bureau of Motor Vehicles
IGC North, Room 402
100 North Senate Avenue
Indianapolis, IN 46204

_____ County Prosecutor's Office
Attn: _____

Indiana Department of Correction
Attn: Records Division
302 W. Washington Street, Room E-334
Indianapolis, IN 46204

_____ County Clerk

Office of the Indiana Attorney General
Indiana Government Center South, 5th Floor
302 W. Washington Street
Indianapolis, IN 46204

_____ County Sheriff's Department

Clerk of the Appellate Courts
216 State House
200 West Washington Street
Indianapolis, IN 46204
[check this address only if one or more
of the expunged cases was appealed.]

Arresting Agencies:

Indiana Supreme Court
STAD – Court Technology
30 S. Meridian Street, Ste. 500
Indianapolis, Indiana 46204
[check this address only if a NO
CONTACT ORDER was issued in one or
more of the expunged cases as a
condition of BOND or PROBATION.]

152

153

NOT PUBLIC RECORD