

IN THE MUNICIPAL COURT OF EMPORIA, KS
518 Mechanic Street, Emporia, KS 66801
(620) 343-5666

INSTRUCTIONS FOR FILING AN EXPUNGEMENT OF RECORD REQUEST

Forms provided by the Court: Petition for Expungement
 Order of Expungement

Upon request, the Court will provide some of the pertinent information that will be needed to fill out the Petition and Order.

Complete both forms as accurately and neatly as possible. Please note, the person requesting the Expungement of their record is the *Petitioner*.

1.) How to fill out all attached forms:

Page 1: i. Provide Petitioner's name at time of offense and current address
 ii. Fill out all information necessary in questions 1-4
 iii. Sign on the Attorney for Petitioner/Petitioner line

Page 2: i. Sign both Attorney for Petitioner/Petitioner lines
 ii. Fill in date for Certificate of Services

Page 3: i. Provide Petitioner's name at time of offense and current address
 ii. **DO NOT** fill in the date at the top but **DO** fill out information necessary in questions 1-4.

Page 4: i. Sign on the Attorney for Petitioner/Petitioner line

- 2.) Return the completed forms and the **non-refundable** \$75.00 Expungement surcharge per Court case which must be paid at the time the Expungement paperwork is delivered to the Court. The Petition and Order **will not** be accepted without payment.
- 3.) If the City Prosecutor desires to have a hearing regarding your Petition, you will be notified in writing at the address listed on the Petition and Order.
- 4.) If no hearing is desired and the Judge accepts the Petition and signs the Order of Expungement, copies will be sent to the address on the Petition and Order.
- 5.) You may call two (2) weeks after the Petition and Order have been filed with the Court to inquire about the status of the Expungement.
- 6.) If you have any questions concerning when a case can be expunged, please consult an Attorney of Law.

IN THE MUNICIPAL COURT OF EMPORIA, KS
518 Mechanic Street, Emporia, KS 66801
(620) 343-5666

City of Emporia, KS, Plaintiff

Docket Number: _____

V.

Name: _____

Address: _____

Defendant/Petitioner

PETITION FOR EXPUNGEMENT:

Conviction, **Diversion, and/or** **Arrest Records**
(Check all that apply)

Comes now the defendant herein and petitions the Court, pursuant to K.S.A. 12-4516, for an Order of Expungement. In support of said petition, petitioner states:

1. Petitioner full name is and was at the time of arrest and conviction:

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

3. Petitioner was convicted/diverted on the _____ day of _____,
20_____, for a violation of Ordinance number(s): _____

4. More than _____ years have elapsed since the petitioner satisfied the sentence imposed or was discharged from probation, suspended sentence, or other conditional release.

5. Petitioner has not been convicted of a felony in the past two years, and no proceeding(s) involving such crime is presently pending or being instituted against the petitioner.

WHEREFORE, petitioner respectfully requests the Court to enter an order of expungement and such other and further relief as the Court deems just and proper.

Attorney for Petitioner/Petitioner

IN THE MUNICIPAL COURT OF EMPORIA, KS
518 Mechanic Street, Emporia, KS 66801
(620) 343-5666

NOTICE OF HEARING

To: Prosecutor for City of Emporia

The above Petition for Expungement has been filed in the Emporia Municipal Court and it and an Order of Expungement will go before the Court without formal hearing unless so desired by the Plaintiff. Request for formal hearing must be made within five (5) business days from the date of the certificate of service and notice of hearing delivered and mailed to the petitioner.

Attorney for Petitioner/Petitioner

CERTIFICATE OF SERVICES

The undersigned hereby certifies that the above and foregoing PETITION FOR EXPUNGEMENT was either placed in the United State mail, first-class postage pre-paid, or hand delivered on this _____ day of _____, 20_____.

Addressed to the following:

Emporia City Prosecutor
P.O. Box 928
518 Mechanic St.
Emporia, KS 66801

Attorney for Petitioner/Petitioner

IN THE MUNICIPAL COURT OF EMPORIA, KS
518 Mechanic Street, Emporia, KS 66801
(620) 343-5666

City of Emporia, KS, Plaintiff

Docket Number: _____

V.

Name: _____

Address: _____

Defendant/Petitioner

ORDER FOR EXPUNGEMENT:

Conviction, **Diversion, and/or** **Arrest Records**
(Check all that apply)

NOW, on this _____ day of _____, 20____ the above-captioned matter comes before the Court on the defendant's Petition for Expungement, pursuant to K.S.A. 12-4516. After reviewing the matter, the Court finds as follows:

1. Petitioner full name is and was at the time of arrest and conviction/diversion the same as set out in the caption above.

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

3. Petitioner was arrested on _____ day of _____, 20____ by the

_____.

4. Petitioner was convicted/diverted on the _____ day of _____,

20____, for a violation of Ordinance number(s): _____.

5. More than _____ years have elapsed since petitioner satisfied the sentence imposed or was discharged from probation/diversion, suspended sentence, or other conditional release.

6. Petitioner has not been convicted of a felony in the past two years, and no proceeding involving any such crimes is presently pending or being instituted against the petitioner.

7. The circumstances and behavior of petitioner warrant the expungement.

8. The expungement is consistent with public welfare.

NOW, THEREFORE, IT IS ORDERED OF THIS COURT that the conviction/diversion/arrest of the defendant-petitioner, as described herein, should be and the same are hereby expunged. The Clerk of the Municipal Court is directed to send certified copy of the expungement to the Emporia Police Department, Kansas Bureau of Investigation and any other criminal justice agency that may have a record of said arrest and/or conviction/diversion.

IT IS THE FURTHER ORDER OF THIS COURT that petitioner shall be treated as not having been convicted/diverted or arrested of the offense described herein except:

- i. As may be provided by statute;
- ii. For the purposes set out in K.S.A. 12-4516 and K.S.A. 12-4516a; or
- iii. To any legitimate criminal justice agency

Judge of the Emporia Municipal Court

APPROVED:

Attorney for Plaintiff

Attorney for Defendant/Petitioner
OR Defendant/Petitioner