

EXPUNGEMENT PETITION

LOUDOUN COUNTY CIRCUIT COURT

An Expungement is an action used to delete all police and court records pertaining to a criminal case when any of the following has occurred: acquittal, nolle prosequi, dismissal, absolute pardon, or an individual's name used in error. The Expungement process is not available when the person has been convicted, or the court has found evidence sufficient to convict the person. When a record is expunged, the record is not destroyed but removed from public access and sealed. (Note: Once the record is expunged it can only be accessed by Court Order.)

REQUIRED DOCUMENTS:

- An original Petition for Expungement (CC-1473)
 - A certified copy of the charge(s) with the disposition of the charge(s) to be expunged
 - Order of Expungement (CC-1474)
 - The order should only be submitted to the court when it is ready to be entered.
 - You may submit a copy of the proposed order, which will be indexed and scanned.
- Bring the original order to your court hearing.
- Cover sheet for filing civil actions (CC-1416)
 - Two (2) additional copies of the completed Petition for Expungement and two (2) additional copies of the charge(s) with disposition of the charge(s) to be expunged
 - Supplemental Information for Expungement Refund (Must be filed when case is opened)

The copies will be used for the following:

A copy of the petition shall be served on the Commonwealth Attorney. The Commonwealth may file an objection or answer to the petition within twenty-one (21) days after it is served. A second copy of the petition will be used to take to a law enforcement agency in order to obtain petitioner's fingerprints.

FILING FEE: \$98.00 (Includes service fee)

Fees must be paid by cash, certified check, money order or personal check (*no starter checks will be accepted*) made payable to Clerk of Circuit Court.

FILINGS MAY BE SUBMITTED IN PERSON OR BY MAIL:

In person bring your completed paperwork and filing fee to the 3rd floor Civil Division window of the Circuit Court during normal business hours. Or send your completed paperwork, copies and filing fee to:

Send via U.S. Postal
Service: Loudoun Circuit
Court Attn: Civil Division
P.O. Box 550
Leesburg, VA 20178

Send via FedEx, UPS, etc.
Loudoun Circuit Court
Attn: Civil Division
18 East Market Street
Leesburg, VA 20176

The case will be assigned a civil action case number. This is a number by which the court references your case and must appear on any future documents regarding your petition.

SETTING A HEARING DATE:

After the Criminal History check has been filed with the court, a hearing may be set. It is the responsibility of the petitioner to confirm the fingerprint card and criminal history has been received by the court. Hearing dates for expungement cases are set on the Circuit Court Civil Motions day docket.

An original Praecept must be filed with the Civil Division no less than 14 days prior to the hearing date. Praecept forms are available at the Circuit Court Clerk's office and on the Clerk's web site at www.loudoun.gov/clerk. A copy of the praecipe must be mailed or hand delivered to the Commonwealth Attorney's Office, 20 East Market Street, Leesburg, Virginia 20176.

**INSTRUCTIONS FOR PETITION FOR EXPUNGEMENT
FILED IN A CIRCUIT COURT – ACQUITTAL/DISMISSAL**

Virginia Code § 19.2-392.2, relating to the expungement of police and court records, provides in pertinent part as follows:

- Pursuant to § 19.2-392.2 A, a person charged with the commission of a crime may file a petition setting forth the relevant facts and requesting expungement of the police records and the court records relating to the charge IF one of the following is true:
 1. The person is acquitted, or
 2. A nolle prosequi is taken or the charge is otherwise dismissed, including dismissal by accord and satisfaction pursuant to § 19.2-151.
 3. The person is granted an absolute pardon for the commission of a crime for which he has been unjustly convicted.
- Pursuant to § 19.2-392.2 C, the petition with a copy of the warrant or indictment if reasonably available shall be filed in the circuit court of the county or city in which the case was disposed of by acquittal or being otherwise dismissed and shall contain, except where not reasonably available:
 1. The date of arrest and the name of the arresting agency. Where this information is not reasonably available, the petition shall state the reason for such unavailability;
 2. A statement of the specific criminal charge to be expunged;
 3. The date of final disposition of the charge as set forth in the petition;
 4. The petitioner's date of birth; and
 5. The full name used by the petitioner at the time of arrest.
- Pursuant to § 19.2-392.2 D, the petitioner must have a copy of the petition served on the attorney for the Commonwealth of the city or county in which the petition is filed. The attorney for the Commonwealth may file an objection or answer to the petition or may give written notice to the court that he does not object to the petition within twenty-one days after it is served on him.
- Pursuant to § 19.2-392.2 E, the petitioner shall obtain from a law-enforcement agency one complete set of the petitioner's fingerprints and shall provide that agency with a copy of the petition for expungement. The law-enforcement agency shall submit the set of fingerprints to the Central Criminal Records Exchange (CCRE) with a copy of the petition for expungement attached. The CCRE shall forward under seal to the court a copy of the petitioner's criminal history, a copy of the source documents that resulted in the CCRE entry that the petitioner wishes to expunge, and the set of fingerprints. Upon completion of the hearing, the court shall return the fingerprint card to the petitioner. If no hearing was conducted, upon the entry of an order of expungement or an order denying the petition for expungement, the court shall cause the fingerprint card to be destroyed unless, within 30 days of the date of entry of the order, the petitioner requests the return of the fingerprint card in person from the clerk of the court or provides the clerk of the court a self-addressed, stamped envelope for the return of the fingerprint card.
- Circuit court form CC-1473, PETITION FOR EXPUNGEMENT FILED IN A CIRCUIT COURT – ACQUITTAL/DISMISSAL, may be completed and filed by the petitioner in the appropriate circuit court according to these instructions. A completed COVER SHEET FOR FILING CIVIL ACTIONS, circuit court form CC-1416, also may be required by the clerk of the court. Pursuant to § 19.2-392.2 J, costs shall be as provided by § 17.1-275, but shall not be recoverable against the Commonwealth.
- Different procedures for expungement may apply to a petition or motion filed pursuant to § 19.2-392.2 B or § 19.2-392.2 H.

When a person has been granted an absolute pardon for the commission of a crime that the person did not commit, the person may file circuit court form CC-1472, PETITION FOR EXPUNGEMENT FILED IN A CIRCUIT COURT – ABSOLUTE PARDON, in the circuit court of the county or city in which the conviction occurred.

COVER SHEET FOR FILING CIVIL ACTIONS

COMMONWEALTH OF VIRGINIA

Case No.

(CLERK'S OFFICE USE ONLY)

Circuit Court

v./In re:

PLAINTIFF(S)

DEFENDANT(S)

I, the undersigned [] plaintiff [] defendant [] attorney for [] plaintiff [] defendant hereby notify the Clerk of Court that I am filing the following civil action. (Please indicate by checking box that most closely identifies the claim being asserted or relief sought.)

GENERAL CIVIL

Subsequent Actions

- [] Claim Impleading Third Party Defendant
[] Monetary Damages
[] No Monetary Damages
[] Counterclaim
[] Monetary Damages
[] No Monetary Damages
[] Cross Claim
[] Interpleader
[] Reinstatement (other than divorce or driving privileges)
[] Removal of Case to Federal Court

Business & Contract

- [] Attachment
[] Confessed Judgment
[] Contract Action
[] Contract Specific Performance
[] Detinue
[] Garnishment

Property

- [] Annexation
[] Condemnation
[] Ejectment
[] Encumber/Sell Real Estate
[] Enforce Vendor's Lien
[] Escheatment
[] Establish Boundaries
[] Landlord/Tenant
[] Unlawful Detainer
[] Mechanics Lien
[] Partition
[] Quiet Title
[] Termination of Mineral Rights

Tort

- [] Asbestos Litigation
[] Compromise Settlement
[] Intentional Tort
[] Medical Malpractice
[] Motor Vehicle Tort
[] Product Liability
[] Wrongful Death
[] Other General Tort Liability

ADMINISTRATIVE LAW

- [] Appeal/Judicial Review of Decision of (select one)
[] ABC Board
[] Board of Zoning
[] Compensation Board
[] DMV License Suspension
[] Employee Grievance Decision
[] Employment Commission
[] Local Government
[] Marine Resources Commission
[] School Board
[] Voter Registration
[] Other Administrative Appeal

DOMESTIC/FAMILY

- [] Adoption
[] Adoption - Foreign
[] Adult Protection
[] Annulment
[] Annulment - Counterclaim/Responsive Pleading
[] Child Abuse and Neglect - Unfounded Complaint
[] Civil Contempt
[] Divorce (select one)
[] Complaint - Contested*
[] Complaint - Uncontested*
[] Counterclaim/Responsive Pleading
[] Reinstatement - Custody/Visitation/Support/Equitable Distribution
[] Separate Maintenance
[] Separate Maintenance Counterclaim

WRITS

- [] Certiorari
[] Habeas Corpus
[] Mandamus
[] Prohibition
[] Quo Warranto

PROBATE/WILLS AND TRUSTS

- [] Accounting
[] Aid and Guidance
[] Appointment (select one)
[] Guardian/Conservator
[] Standby Guardian/Conservator
[] Custodian/Successor Custodian (UTMA)
[] Trust (select one)
[] Impress/Declare/Create
[] Reformation
[] Will (select one)
[] Construe
[] Contested

MISCELLANEOUS

- [] Amend Death Certificate
[] Appointment (select one)
[] Church Trustee
[] Conservator of Peace
[] Marriage Celebrant
[] Approval of Transfer of Structured Settlement
[] Bond Forfeiture Appeal
[] Declaratory Judgment
[] Declare Death
[] Driving Privileges (select one)
[] Reinstatement pursuant to § 46.2-427
[] Restoration - Habitual Offender or 3rd Offense
[] Expungement
[] Firearms Rights - Restoration
[] Forfeiture of Property or Money
[] Freedom of Information
[] Injunction
[] Interdiction
[] Interrogatory
[] Judgment Lien-Bill to Enforce
[] Law Enforcement/Public Official Petition
[] Name Change
[] Referendum Elections
[] Sever Order
[] Taxes (select one)
[] Correct Erroneous State/Local
[] Delinquent
[] Vehicle Confiscation
[] Voting Rights - Restoration
[] Other (please specify)

[] Damages in the amount of \$ are claimed.

DATE

[] PLAINTIFF

[] DEFENDANT

[] ATTORNEY FOR

[] PLAINTIFF

[] DEFENDANT

PRINT NAME

ADDRESS/TELEPHONE NUMBER OF SIGNATOR

EMAIL ADDRESS OF SIGNATOR (OPTIONAL)

*"Contested" divorce means any of the following matters are in dispute: grounds of divorce, spousal support and maintenance, child custody and/or visitation, child support, property distribution or debt allocation. An "Uncontested" divorce is filed on no fault grounds and none of the above issues are in dispute.

**PETITION FOR EXPUNGEMENT
FILED IN A CIRCUIT COURT –
ACQUITTAL/DISMISSAL**

Commonwealth of Virginia VA. CODE § 19.2-392.2 A

Case No.

..... Circuit Court
CITY OR COUNTY

.....
STREET ADDRESS OF COURT

..... v. Commonwealth of Virginia
NAME OF PETITIONER

1. This petition to expunge the police and court records, including electronic records, relating to the charge(s) detailed in Part 2 (below) is based on subsection A of § 19.2-392.2, as the petitioner was charged with the commission of a crime or offense AND (CHECK ONE)

- has been acquitted of the charge.
- a nolle prosequi of the charge has been taken or the charge has been otherwise dismissed, including dismissal by accord and satisfaction pursuant to Virginia Code Section 19.2-151.

2. I further state that:

Petitioner's date of birth is:

Petitioner's full name at the time of arrest:

Specific charge(s) to be expunged:

If matter was heard on appeal from General District Court, list applicable General District Court case number(s):
.....

A copy of the warrant or indictment is attached to this petition. Underlying Case No.(s)

Date of arrest: Name of arresting agency:

A copy of the warrant or indictment date of arrest or name of arresting agency is not reasonably available because (state reason this information is not available):
.....

Date(s) of final disposition of charge(s): Court disposing of charge(s):

The continued existence and possible dissemination of information relating to the arrest of the petitioner causes or may cause circumstances which constitute a manifest injustice to the petitioner. For this reason, I request that the police and court records, including electronic records, relating to the charge(s) be expunged and that a copy of any order of expungement be forwarded to the Department of State Police pursuant to subsection K of § 19.2-392.2.

..... DATE SIGNATURE OF PETITIONER ATTORNEY FOR PETITIONER

..... PRINT NAME

..... ADDRESS/TELEPHONE NUMBER OF PETITIONER ATTORNEY FOR PETITIONER

I certify that I provided the petitioner a certified copy of this petition. Hearing date and time:

..... DATE CLERK

Checklist for petitioner:

- File completed PETITION FOR EXPUNGEMENT FILED IN A CIRCUIT COURT – ACQUITTAL/DISMISSAL in the circuit court of the county or city in which the charge(s) was disposed of, together with all applicable fees and costs and, if required by the clerk of the court, a completed COVER SHEET FOR FILING CIVIL ACTIONS, circuit court form CC-1416.
- Obtain one complete set of fingerprints from a law-enforcement agency and provide a copy of this petition to such law-enforcement agency.
- Have a copy of this petition served on the Commonwealth's Attorney in the county or city in which the PETITION FOR EXPUNGEMENT FILED IN A CIRCUIT COURT – ACQUITTAL/DISMISSAL is filed.

EXPUNGEMENT ORDER

Commonwealth of Virginia
VA. CODE § 19.2-392.2

Case No.

..... LOUDOUN COUNTY Circuit Court
CITY OR COUNTY

..... NAME OF PETITIONER SUBJECT OF WRIT OF ACTUAL INNOCENCE
 PERSON GRANTED AN ABSOLUTE PARDON

The petitioner is seeking relief pursuant to subsection A of Va. Code § 19.2-392.2 because the petitioner was charged with the commission of the following crime(s) or offense(s) , AND

has been acquitted of the following charge(s) AND/OR

a nolle prosequi of the following charge(s) has been taken or the charge(s) have been otherwise dismissed, including dismissal by accord and satisfaction pursuant to Va. Code § 19.2-151

After receiving the criminal history record information from the Central Criminal Records Exchange (CCRE) and

conducting a hearing on the petition relating to the following charges

AND/OR

waiving a hearing on the petition for expungement of the following misdemeanor charge(s) upon receipt of written notice from the attorney for the Commonwealth that he does not object to the petition,

AND/OR

waiving a hearing on the petition for expungement of the following felony charge(s) upon receipt of written notice and stipulation from the attorney for the Commonwealth that he does not object to the petition and that the continued existence and possible dissemination of information relating to the arrest of the petitioner causes or may cause circumstances which constitute a manifest injustice to the petitioner,

the court FINDS that

the continued existence and possible dissemination of information relating to the arrest of the petitioner causes or may cause circumstances that constitute a manifest injustice to the petitioner.

the petitioner has no prior criminal record, the arrest was for a misdemeanor and the Commonwealth did not show good cause why the police and court records relating to the charge should not be expunged.

The court has received the attached copy of a writ of actual innocence pursuant to Va. Code § 19.2-327.5 or § 19.2-327.13 vacating a conviction

Pursuant to Va. Code § 2.2-402, the court has received the attached copy of an absolute pardon granted by the Governor.

The court entered a WRIT OF VACATUR pursuant to §§ 19.2-327.16-19.2-327.18 and no appeal was made OR the appellate court refused or denied the Commonwealth's petition for appeal OR the appellate court upheld the issuance of the WRIT OF VACATUR.

Case No.

The court ORDERS that:

- The police and court records, including electronic records, relating to the following charge(s) or offense(s) be expunged pursuant to subsection F (acquittal/dismissal) subsection I (absolute pardon) subsection J (writ of actual innocence) of Va. Code § 19.2-392.2 OR Va. Code § 19.2-327.19 (writ of vacatur)

.....
 LIST CHARGE(S)/OFFENSE(S) INCLUDING CIRCUIT COURT AND DISTRICT COURT CASE NUMBERS, IF KNOWN

- The clerk of this court shall send a copy of this ORDER, along with a copy of the PETITION FOR EXPUNGEMENT, writ of actual innocence, or writ of vacatur and complete set of petitioner's fingerprints, to the Department of State Police to be acted upon in accordance with the rules and regulations adopted pursuant to Va. Code § 9.1-134.
- The court FINDS that the statutory requirements for expungement have not been satisfied for the following charge(s) and therefore, the court ORDERS that the petition be denied as to the following charge(s).

.....
 LIST CHARGE(S)

.....
 DATE

.....
 JUDGE

I certify that I forwarded a copy of this ORDER, along with a copy of the PETITION FOR EXPUNGEMENT or a copy of the writ of actual innocence, to the Virginia Department of State Police

on
 DATE

.....
 CLERK

Supplemental Information for Expungement Refund

****Must be filed with the Petition****

Case No. _____
Loudoun County Circuit Court

Effective July 1, 2016, Virginia Code 19.2-392.2 states that the Clerk of the Court shall refund the \$86.00 filing fee paid by the petitioner if the Court grants and enters an order of expungement. The \$12.00 process service fee is not a refundable filing cost.

Please provide the following information for processing the refund:

Petitioner (Payee): _____

Payee Mailing Address:

Street: _____

City: _____ State: _____ Zip: _____

Payee Contact Number: _____

Date

Petitioner's Signature

Waiver of Expungement Refund:

Petitioners may waive the refund of the filing fee.

I am the Petitioner in this proceeding and I swear under oath/affirm the following:

I voluntarily waive the Clerk of the Circuit Court to issue a refund of the filing fee for this expungement proceeding. I understand that by waiving the issuance of a refund, I'm giving up my right to have the filing fee returned to me.

Date

Petitioner's Signature

Clerk/Notary: State/Commonwealth of _____,

() City () County of _____

Subscribed and sworn to before me this _____ day of _____, _____.

By _____

Printed Name of Petitioner

Date

() Deputy Clerk () Notary Public

My Commission Expires _____ Registration No. _____