

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
- 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: \$96.00 (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: New Case Filing
P.O. Box 550
Leesburg, VA 20178

Send via FedEx, UPS, etc.
Loudoun Circuit Court
Attn: New Case Filing
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 on the first Friday of every month at 2:00 p.m.

An original Praeceptum must be filed with the Circuit Court file room no less than seven (7) days prior to the hearing date. Praeceptum forms are available at the Circuit Court Clerk's office and on the Clerk's web site at www.loudoun.gov/clerk

To file a praecipe the petitioner may appear in person at the Circuit Court Civil window or mail the original praecipe to Loudoun Circuit Court, Attn: File Room, P.O. Box 550, Leesburg, Virginia 20178. A copy of the praecipe must be mailed or hand delivered to the Commonwealth Attorney's Office, 20 East Market Street, Leesburg, Virginia 20176.

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 –
ABSOLUTE PARDON**

Case No.

Commonwealth of Virginia VA. CODE § 19.2-392.2 I

LOUDOUN COUNTY

Circuit Court

CITY OR COUNTY

18 EAST MARKET STREET LEESBURG, VA 20176

STREET ADDRESS OF COURT

v. Commonwealth of Virginia

NAME OF PETITIONER

This petition to expunge the police and court records, including electronic records, relating to the charge(s) specified below is based on subsection I of § 19.2-392.2, as the petitioner has been granted an absolute pardon for the commission of a crime or offense that the petitioner did not commit.

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:

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

In support of this petition, the petitioner relies on [] the facts set forth on the attached document, which is incorporated herein [] the following facts:

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

Hearing date and time:

DATE

CLERK

Checklist for petitioner:

- [] File completed PETITION FOR EXPUNGEMENT FILED IN A CIRCUIT COURT – ABSOLUTE PARDON in the circuit court of the county or city in which the charge(s) was (were) 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.
- [] Have a copy of this petition, including any attachments, served on the Commonwealth’s Attorney in the county or city in which the PETITION FOR EXPUNGEMENT FILED IN A CIRCUIT COURT – ABSOLUTE PARDON is filed.

EXPUNGEMENT ORDER
Commonwealth of Virginia
VA. CODE § 19.2-392.2

Case No.

.....
LOUDOUN COUNTY
CITY OR COUNTY

..... Circuit Court

.....
NAME OF [] PETITIONER [] SUBJECT OF WRIT OF ACTUAL INNOCENCE

[] 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 petitioner is seeking relief pursuant to subsection I of Va. Code § 19.2-392.2 because the petitioner has been granted an absolute pardon for a crime that he did not commit and the court FINDS that such relief is proper

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

Case No.

The court ORDERS that:

[] The police and court records, including electronic records, relating to the following charge(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

.....
LIST CHARGE(S) INCLUDING CIRCUIT COURT AND GENERAL 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 or writ of actual innocence, 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

I ask for this:

.....
DATE

.....
PETITIONER

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 \$84.00 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. _____