

Name _____

Address _____

City, State, Zip _____

Phone _____

Check your email. You will receive information and documents at this email address.

Email _____

I am the Petitioner
 Attorney for the Petitioner and my Utah Bar number is _____

In the [] District [x] Justice Court of Utah

Murray Judicial District Salt Lake County

Court Address 688 E Vine Street, Murray, UT 84107

In Re: _____

**Petition to Expunge Records with
Special Certificate**
(Utah Code 77-40a-305)

Petitioner _____

Case Number _____

Spencer Banks _____

Judge _____

(What are you trying to expunge?

If there was no conviction, complete number 1 and skip number 2. Then go on to number 3.

If there was a conviction, skip number 1 and complete number 2. Then go on to number 3.)

1. **Records of crimes without a conviction.**

I was arrested on _____ (date) by _____

(law enforcement

agency). The law enforcement agency's file number is _____.

A court case:

was not filed.

was filed as a result of the arrest. It was filed in case number:
_____.

The case was dismissed with prejudice.
 I was acquitted at trial.

The following apply to me: (choose all that apply)

At least 30 days have passed since I was arrested.
 I have not been arrested since this special certificate was issued.
 I am not on probation or parole.
 There is not a criminal protective order or stalking injunction in effect for this case.

2. **Records of crimes with a conviction.**

I was convicted of a crime or crimes in court case number:
_____.

The following apply to me: (choose all that apply)

None of the crimes I am trying to expunge are:

- a capital or first degree felony;
- a violent felony as defined in Utah Code 76-3-203.5(1)(c)(i);
- felony automobile homicide;
- felony driving under the influence;
- an offense, or a combination of offenses, that would require me to register as a sex offender, as defined in Utah Code 77-41-102
- a registerable child abuse offense as defined in Utah Code 77-43-102(2)

There is no criminal case or plea in abeyance pending against me or being investigated in any jurisdiction.

I am not on probation or parole.

There is not a criminal protective order or stalking injunction in effect for this case.

I have not been convicted in separate criminal episodes of:

- 2 or more felonies (other than for drug possession);
- 3 or more crimes (other than for drug possession) of which 2 are class A misdemeanors;

- 4 or more crimes (other than for drug possession) of which 3 are class B misdemeanors; or
- 5 or more crimes (other than for drug possession) of any degree other than infractions;
- 3 or more felonies for drug possession;
- 5 or more crimes of any degree for drug possession

I have paid all fines, fees, restitution and interest.

The following time periods have elapsed from the date I was convicted or released from incarceration, probation or parole, whichever occurred last:

- 10 years in the case of a misdemeanor conviction of Utah Code 41-6a-501(2) or a felony conviction of Utah Code 58-37-8(2)(g);
- 7 years in the case of a felony;
- 5 years in the case of a class A misdemeanor or a felony drug possession offense;
- 4 years in the case of a class B misdemeanor; or
- 3 years in the case of any other misdemeanor or infraction.

3. **Certificate of eligibility.**

BCI was unable to find information about the outcome of my criminal case. BCI has issued a special expungement certificate. The identification number for my special certificate is: _____.

I believe I am eligible for expungement because:

4. **Public interest.**

Expunging my records will not harm the interests of the public because:

5. Request.

I ask that the court order expungement of the crimes or alleged crimes identified above and order state, county and local government agencies to expunge related records in their possession or control.

I declare under criminal penalty under the law of Utah that everything stated in this document is true.

Signed at _____ (city, and state or country).

Date _____ Signature ► _____
Printed Name _____

Name _____

Address _____

City, State, Zip _____

Phone _____

Check your email. You will receive information and documents at this email address.

Email _____

In the [] District [] Justice Court of Utah
Murray _____ Judicial District _____ Salt Lake _____ County
Court Address _____ 688 E Vine Street Murray, UT 84107

In Re: _____

Petitioner _____

Order on Petition to Expunge Records with Special Certificate

Case Number _____

Spencer Banks _____

Judge _____

The matter before the court is a Petition to Expunge Records. This matter is being resolved by:

[] The pleadings and other papers of the parties, or

[] A hearing held on _____ (date), notice of which was served on all parties and at which the court considered the pleadings and evidence presented by the parties.

Having considered the documents filed with the court, the evidence, and the arguments, and now being fully informed,

The Court Finds by Clear and Convincing Evidence that:

1. The petition is sufficient.
2. The statutory requirements have been met.
3. Expunging the petitioner's records will not harm the interests of the public.

The Court Concludes:

4. All records of petitioner's arrest, investigation, and detention relating to: (choose one)

the following incidents: _____; (law enforcement agency file number) of _____
(law enforcement agency name) should be expunged.

case number: _____ should be expunged. The Court

The Court Orders:

5. All records of petitioner's arrest, investigation, detention relating to:

the following incidents: _____; (law enforcement agency file number) of _____
(law enforcement agency name) will be expunged.

case number: _____ will be expunged.

- Petitioner may deliver a copy of this order to any government agency or official that may have such records.
- The Bureau of Criminal Identification must notify all criminal justice agencies affected by this order.
- The clerk of the court must expunge all related court records as provided by Rule 4-205.
- Any other government agency or official receiving this order must expunge related records as provided by Utah Code, Title 77, Chapter 40a, Part 4.
- Any government agency or official receiving this order may not divulge information identifying the petitioner.
- Any government agency or official receiving this order must respond to any inquiry as though the arrest or conviction did not occur.

Judge's signature may instead appear at the top of the first page of this document.

Date _____ Signature ► _____

Judge _____

Name _____

Address _____

City, State, Zip _____

Phone _____

Email _____

In the Murray Justice Court, Salt Lake County, State of Utah

688 East Vine Street, Murray, UT 84107

In Re: _____

**Acceptance of Service –
Expungement (Prosecutor)**

Petitioner _____

Case Number _____

Spencer Banks _____

Judge _____

The undersigned acknowledges receipt of a copy of the Petition for Expungement.

Date _____ Sign here ► _____

Prosecutor (print name) _____

Address 10 East 4800 South _____

City, State, Zip Murray, UT 84107 _____

Phone 801-264-2642 _____

Keaton C. Brown, 18321

10 East 4800 South #350

Prosecutor's Address

Murray, UT 84107

City, State, Zip

801-264-2642

Phone

prosecutor@murray.utah.gov

Email

In the Murray Justice Court, Salt Lake County, State of Utah

688 East Vine Street, Murray, UT 84107

In Re:	Consent and Waiver of Hearing – Expungement (Prosecutor)
Petitioner	Case Number <u>Spencer Banks</u> Judge

The undersigned has reviewed Petitioner's Petition to Expunge Records and the case file.

The undersigned waives the right to object to Petitioner's Petition to Expunge Records.

The undersigned consents to this court entering an order for expungement.

The case was dismissed without prejudice or without condition, but the prosecution has not filed and does not intend to refile related charges.

There:

is a victim in this case.

is not a victim in this case.

The victim has been notified of the Petition to Expunge Records.

The victim has been notified and has authorized the undersigned to waive the victim's right to object to the Petition and to consent to this court entering an order for expungement without further notice.

Date _____ Sign here ►

Prosecutor (print name)

Address 10 East 4800 South #350

City, State, Zip Murray, UT 84107

Phone 801-264-2642