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I am ☐ Plaintiff/Petitioner ☐ Plaintiff/Petitioner's Attorney (Utah Bar #: _____)

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

688 East Vine Street, Murray, UT 84107

In Re:

Petitioner

**Petition to Expunge Records
Cannabis Conviction**

Utah Code 77-40a-305((4))

Case Number

Spencer Banks

Judge

1. Conviction record

I was convicted of cannabis possession in court case number

_____.

2. Certificate of eligibility

I am not required to receive a certificate of eligibility for expungement to proceed with this petition. Utah Code 77-40a-305(4).

3. Qualifying condition (Utah Code 26-61a-104)

At the time of my arrest or citation leading to the conviction, I had the following qualifying condition which would have allowed me to use medical cannabis to treat symptoms (Choose all that apply):

- ☐ HIV or acquired immune deficiency syndrome
☐ Alzheimer's disease

- ☐ amyotrophic lateral sclerosis
- ☐ cancer
- ☐ cachexia
- ☐ persistent nausea not significantly responsive to traditional treatment, but not nausea related to:
 - pregnancy;
 - cannabis-induced cyclical vomiting syndrome; or
 - cannabinoid hyperemesis syndrome
- ☐ Crohn's disease or ulcerative colitis
- ☐ epilepsy or debilitating seizures
- ☐ multiple sclerosis or persistent and debilitating muscle spasms
- ☐ post-traumatic stress disorder (meeting the requirements described in Utah Code 26-61a-104(2)(j))
- ☐ autism
- ☐ a terminal illness when the patient's remaining life expectancy is less than six months
- ☐ a condition resulting in the individual receiving hospice care
- ☐ a rare condition or disease that:
 - affects less than 200,000 individuals in the United States, as defined in Section 526 of the Federal Food, Drug, and Cosmetic Act; and
 - is not adequately managed despite treatment attempts using:
 - conventional medications other than opioids or opiates; or
 - physical interventions;
- ☐ pain lasting longer than two weeks that is not adequately managed, in the qualified medical provider's opinion, despite treatment attempts using:
 - conventional medications other than opioids or opiates; or
 - physical interventions
- ☐ a condition approved by the Compassionate Use Board. I have attached proof of the Board's approval.

4. **Form of cannabis** (Utah Code 26-61a-102(32))

At the time of my arrest or citation leading to the conviction, the cannabis in my possession was in the following form to medicinally treat my condition (Choose all that apply).

☐ **Processed medical cannabis or a medical cannabis product:**

- ☐ a tablet
- ☐ a capsule
- ☐ a concentrated liquid or viscous oil
- ☐ a liquid suspension
- ☐ a topical preparation
- ☐ a transdermal preparation
- ☐ a sublingual preparation
- ☐ a gelatinous cube, gelatinous rectangular cuboid, or lozenge in a cube or rectangular cuboid shape
- ☐ a resin or wax

☐ **Unprocessed cannabis flower** in a container described in Utah Code 4-41a-602 that:

- contains cannabis flowers in a quantity that varies by no more than 10% from the stated weight at the time of packaging;
- at any time the medical cannabis cardholder transports or possesses the container in public, is contained within an opaque, child-resistant bag that the medical cannabis pharmacy provides; and
- is labeled with the container's content and weight, the date of purchase, the legal use termination date.

☐ **A form measured in grams, milligrams, or milliliters.**

5. **Amount of cannabis** (Utah Code 26-61a-102(16))

At the time of my arrest or citation leading to the conviction, the cannabis in my possession was in an amount to medicinally treat my condition and did not exceed (Choose all that apply):

- ☐ 113 grams by weight (unprocessed cannabis in a medicinal dosage form)
- ☐ 20 grams of total composite tetrahydrocannabinol (cannabis product in a medicinal dosage form)

6. **Public interest**

Expunging the crime(s) will not harm the public's interests because:

7. **Request**

I ask the court to order expungement of the record 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).

_____	Signature ►	_____
Date	Printed Name	_____

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

688 East Vine Street, Murray, UT 84107

In Re:

Petitioner

**Order on Petition to Expunge
Records
(Cannabis Conviction)**

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:

Utah Code 77-40a-306(1)(d)

1. The petition is sufficient.

2. The statutory requirements have been met.
3. At the time of petitioner's arrest or citation leading to the conviction, they had a qualifying condition which would have allowed them to use medical cannabis to treat symptoms. (Utah Code 26-61a-104).
4. At the time of petitioner's arrest or citation leading to the conviction, the cannabis in their possession was in a form and amount to medicinally treat their condition. (Utah Code 26-61a-102(16) and (32)).
5. Expunging the petitioner's records will not harm the public interest.

The court concludes:

6. The records of petitioner's arrest, investigation, detention, and conviction relating to court case number noted above should be expunged.

The court orders:

- The records of petitioner's arrest, investigation, detention, and conviction relating to court case number noted above 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.

	Signature ►	
Date	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:

Petitioner

**Consent and Waiver of Hearing –
Expungement**
(Prosecutor)

Case Number

Spencer Banks

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 _____