

EXPUNGEMENT PROCEDURE

Attached is an example of an Expungement Motion that must be completed in order to have your case “expunged” from the criminal docket in the Clerk of Courts Office, Erie County Courthouse, Erie, Pennsylvania, 16501.

To be eligible for an expungement, all costs and fines must be paid in full.

First, you must complete the Expungement Motion and Order (a blank motion and example motion are attached for your convenience). A copy of your docket entries must also be attached to the Motion & Order. (Upon request, a copy of your docket entries will be provided). (This motion may be handwritten if a typewriter is not available).

The entire packet must be mailed or hand delivered to the District Attorney’s Office. The District Attorney Bradley Foulk then will consent or deny your expungement request and mail it back to you. If Mr. Foulk consents to your request, you then present your Motion/Order in Motion Court, which is Monday through Thursday at 9:00 a.m. You should arrive 10 to 15 minutes prior to Court and advise the Sheriff’s Deputy or Tipstaff that you have an Expungement Motion/Order to present to the Judge and they will assist you. You may call our office and we can tell you who the Motion Court Judge is for that day.

After you have obtained the Judge’s signature, you must make six (6) copies of the Motion and Order. These copies are for the following: (1) for your records, (1) for the District Attorney, (1) for the District Justice, (2) for the Police Department that made the arrest, and (1) copy for our office (we also keep the original). If you do not have access to a copier, you may have copies made at the Law Library located on the Ground Floor of the Courthouse. You will then return to the Clerk of Courts Office to file the Motion/Order and certify the copies. You are responsible for mailing the certified copies of the Motion and Order to the appropriate agencies (District Attorney, Police Department, and District Justice).

If you have any further questions, please contact Aubrea Hagerty, Clerks Office, at 451-6421

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***** Please Note: Place all charges, even though dropped at DJ’s Office, in the first paragraph of the Order of Court where indicated. (you may put numbers instead of writing out all the charges.)

IN THE COURT OF COMMON PLEAS OF ERIE COUNTY,
PENNSYLVANIA

COMMONWEALTH OF PENNSYLVANIA : CRIMINAL DIVISION

VS.

DOCKET NUMBER:
OTN:

MOTION FOR EXPUNGEMENT OF RECORD

AND NOW, comes the Defendant, and files this Motion to Expunge Record, averring in support thereof as follows:

1. On _____, Defendant was arrested for _____ by the _____ Police Department and taken before District Justice _____.
2. On _____ Defendant was accepted into the A.R.D. Program by Judge _____ and given ___ Months on A.R.D. Probation; _____ license suspension and costs and fines.
3. Defendant successfully completed the A.R.D. program and paid all costs and fines in full.
4. Pursuant to Rule 186 of the Pennsylvania Rules of Criminal Procedures, Defendant now wishes to have his/her record expunged in accordance with the provisions of the Criminal History Information Act, 18 Pa. C.S.A. *et seq.*

WHEREFORE, Defendant respectfully requests this Honorable Court to enter upon the record herein the Expungement Order attached hereto.

Respectfully submitted,

Consent:

District Attorney of Erie County

IN THE COURT OF COMMON PLEAS OF ERIE COUNTY,
PENNSYLVANIA

COMMONWEALTH OF PENNSYLVANIA : CRIMINAL DIVISION

VS.

DOCKET NUMBER:
OTN:

MOTION FOR EXPUNGEMENT OF RECORD

AND NOW, comes the Defendant, and files this Motion to Expunge Record, averring in support thereof as follows:

1. On _____, Defendant was arrested for _____ by the _____ Police Department and taken before District Justice _____.
2. On _____, the charges were _____

_____.
3. Pursuant to Rule 186 of the Pennsylvania Rules of Criminal Procedures, Defendant now wishes to have his/her record expunged in accordance with the provisions of the Criminal History Information Act, 18 Pa. C.S.A. *et seq.*

WHEREFORE, Defendant respectfully requests this Honorable Court to enter upon the record herein the Expungement Order attached hereto.

Respectfully submitted,

Consent:

District Attorney of Erie County

COMMONWEALTH OF PENNSYLVANIA	:	IN THE ERIE COURT OF COMMON PLEAS
	:	OF ERIE COUNTY, PENNSYLVANIA
	:	CRIMINAL DIVISION
	:	DOCKET NO. _____ OF _____
	:	OTN. NO. _____
	:	D.J. DOCKET NO. _____
V.	:	D.J. MAGESTERIAL NO. _____
	:	DATE OF BIRTH _____
	:	S.S. NO. _____
	:	ARRESTING AGENCY _____
	:	DATE OF ARREST _____
	:	CHARGES _____
	:	_____
_____	:	DISPOSITION _____
DEFENDANT	:	

ORDER OF COURT

AND NOW, to-wit, this _____ day of _____, 200__, upon consideration of the within Petition and/or Motion of Expungement, it is ORDERED and DECREED, that the above-named defendant, for the above charge(s) be expunged in accordance with the provisions of the Criminal History Record Information Act, 18 Pa. C.S.A.9101 § et seq.,

AND TO ACCOMPLISH THAT PURPOSE, IT IS SPECIFICALLY ORDERED THAT:

1. Counsel for the Defendant shall:
 - A. Serve two certified copies of the said Petition and Order upon the arresting agency.
 - B. Serve one copy of the said Petition and Order on the District Attorney of Erie County, and, if this Order involves expungement of a case or cases finalized in the District Justice Courts (where there was a dismissal, discharge or other final disposition at the District Justice level, and no bind-over appeal to, or other disposition in a court of record), serve one copy of the Petition and Order upon the proper issuing authority or authorities.
2. The Clerk of Courts of Erie County shall note the expungement on the records of the within case(s), if the case(s) were finally disposed of in the Court of Common Pleas.
3. The arresting police agency, upon receipt of two certified copies of the within Petition and Order from the Clerk of Courts, shall:
 - a. Forthwith forward one copy of the within Petition and Order to the Pennsylvania State Police Central Repository, and
 - b. Note the expungement on the records of the within case (s) maintained by their department, and expunge from any local RAP sheets or their equivalent maintained by said police agency any reference to the within case (s); and
 - c. Within thirty (30) days of the receipt of this Petition and Order, file with the Clerk of Courts of Erie County, an affidavit stating that paragraph 2 of this Order has been complied with.

4. The said Pennsylvania State Police Central Repository shall:
 - a. Expunge their records in accordance with this Order; and
 - b. As required by the Criminal History Record Information Act, 18 Pa. C.S.A. §9122 (d), “notify all criminal justice agencies which have received the criminal history record information to be expunged” of this expungement order; and
 - c. Within thirty (30) days of receipt of this Petition and Order, file with the Clerk of Courts of Erie County, an affidavit stating that paragraph 3 of this Order has been complied.
5. The District Attorney and any issuing authority, upon receipt of this Petition and Order shall note the expungement on the records of their offices, if any, relating to the case (s).

IT BEING FURTHER ORDERED, HOWEVER, THAT NOTWITHSTANDING THE ABOVE, AND IN ACCORDANCE WITH THE CRIMINAL HISTORY RECORD INFORMATION ACT, NOTHING IN THIS ORDER SHALL BE CONSTRUED TO REQUIRE:

- A. The expungement of public records which are exempt from expungement by 18 Pa. C.S.A. § 9104 (e), namely, “ (o) riginal records of entry compiled chronologically, including but not limited to police blotters and press releases that contain criminal history record information and are disseminated contemporaneous with the incident”, “ (a) ny documents, records or indices prepared or maintained by or filed in any court of the Commonwealth, including but not limited to the minor judiciary”, “(p) osters, announcements, or lists for identifying or apprehending fugitives or wanted persons”, or (a) nnouncements of executive clemency.” 18 Pa.C.S.A. §9104 (a).
- B. The expungement of non-criminal history record information which is exempt from expungement by 18 Pa. C.S.A. § 9102, namely intelligence information (defined in 18 Pa. C.S.A. 9102 as “information concerning the habits, practices characteristics, possessions, associations or financial status of any individual”, investigative information (defined in 18 Pa.C.S.A. §9102 as “information assembled as a result of the performance of any inquiry, formal or informal, into a criminal incident or an allegation of criminal wrongdoing and may include modus operandi information), including medical and psychological information or information specified in 18 Pa. C.S.A. §9104” (Other than as specified in 1 above, this includes: “(c) ourt dockets, police blotters (including any reasonable substitute therefore) and information contained therein”).
- C. The expungement of information required or authorized to be kept by the prosecuting attorney, the central repository and the court by 18 Pa. C.S.A. §9122 (c), relating to diversion or pre-conviction probation programs such as Accelerated Rehabilitative Disposition.

BY THE COURT:

Judge