

NOTE: A SEPARATE PETITION MUST BE FILED FOR EACH CRIMINAL CASE AND THE CHARGE(S) MUST BE LISTED IN THIS MOTION FOR THE CHARGE(S) TO BE EXPUNGED.

AOC-497.2 Doc. Code: PEXA
Rev. 7-20
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Commonwealth of Kentucky
Court of Justice *www.kycourts.gov*
KRS 431.076



PETITION FOR EXPUNGEMENT
(FOR ACQUITTAL, DISMISSAL, OR FAILURE TO INDICT)

Case No. _____
Court _____
County _____
Division _____

COMMONWEALTH OF KENTUCKY
VS.

PLAINTIFF

NAME
ADDRESS

DEFENDANT

() PHONE NUMBER Jail ID Number _____ (optional)

Defendant's Birthdate: _____ Defendant's SSN: _____ Violation/Arrest Date: _____

Comes now the Defendant herein and petitions the Court, pursuant to KRS 431.076, to expunge the following charges which were either acquitted, dismissed, or did not result in indictment in the above-referenced case:

CHARGE: _____ CHARGE: _____
CHARGE: _____ CHARGE: _____
CHARGE: _____ CHARGE: _____

In support of this Petition, the Defendant states as follows: *(check all that apply)*

- At least sixty (60) days prior to filing this Petition, the Defendant was **acquitted** of the above-listed charge(s) and the charge(s) was/were not expunged pursuant to KRS 431.076(1)(a);
- At least sixty (60) days prior to filing this Petition, the above-listed charge(s) was/were **dismissed with prejudice** and said dismissal was NOT in exchange for a guilty plea to another offense and the charge(s) was/were not expunged pursuant to KRS 431.076(1)(a);
- For felony charges, at least three (3) years prior to the filing of this Petition, the above-listed charge(s) was/were **dismissed without prejudice** and said dismissal was NOT in exchange for a guilty plea to another offense;
- For misdemeanor charges, at least one (1) year prior to the filing of this Petition, the above-listed charge(s) was/were **dismissed without prejudice** and said dismissal was NOT in exchange for a guilty plea to another offense; AND
- The above-listed felony charge(s) originally filed in District Court has/have not resulted in an indictment by the grand jury or in an information filed by the Commonwealth's Attorney, and six (6) months have elapsed since the date of the District Court decision to hold the matter to the grand jury.

The Defendant prays that this Petition for Expungement for Acquittal, Dismissal, or Failure to Indict be granted and that this Court enter an Order that the following agencies expunge any records in the agencies' custody regarding these charges:

LIST AGENCIES AND ADDRESSES HERE: (Records may be held at multiple agencies. Please identify any government agency that may have a record of your charge(s) such as, but not limited to, jail facilities or arresting agencies.)

Note: Defendant/Petitioner must sign this petition **in the presence of** a notary **or** the circuit court clerk so that the clerk can witness his/her signature.

_____, 2_____
Date

Defendant/Petitioner Signature

Subscribed and sworn to before me by _____ this _____ day of _____, 2_____.

My Commission Expires: _____

Notary/Clerk

By: _____, D.C.

NOTICE TO COMMONWEALTH/COUNTY ATTORNEY

If this Petition is brought under KRS 431.076(1)(c) a response may be filed within ninety (90) days after the filing of the Petition. If a response is not filed, the charges will be dismissed without prejudice and an order shall be entered expunging the records. If a response is filed, the Court shall dismiss the charges without prejudice ninety (90) days after the filing of the response.

For Clerk Use Only

This Petition for Expungement was sent on the _____ day of _____, _____, to Defendant/Petitioner or his/her Attorney; the County or Commonwealth's Attorney, as appropriate.

Clerk

By: _____ D.C.