

IN THE _____ COURT OF _____ (County), _____ (State)

(Name of State/Respondent)

PLAINTIFF

V.

CAUSE NO. _____, _____

(Name of Defendant/Petitioner)

DEFENDANT

Affidavit in Support of Motion

STATE OF _____

COUNTY OF _____

PERSONALLY appeared before me, the undersigned authority in and for said county and state, _____ (**name of affiant**), who, having been being first duty sworn by the undersigned Notary Public, deposes and says:

1. I am the attorney for the Petitioner in this proceeding.
2. Petitioner seeks an order of this court which, among other things, will expunge his arrest, declare it a nullity, and seal the records of the court. Petitioner has independently sought relief pursuant to _____ (**citation of statute**), but that provision does not allow for expungement or the declaration of nullity.
3. _____ (**Citation of statute**) contains a provision for nullification of arrests, but only in first offense marijuana cases.
4. There is obviously a void in the law for situations like Petitioner's, where the failure to nullify an arrest that was erroneous and therefore dismissed nevertheless results in substantial harm to the arrested person's professional life. Apparently, this void has been filled on an *ad hoc* basis by petitions such as this one, to which, I have been informed, the People and the State do not object.
5. I respectfully request that the court permit me to serve the respondents by serving a copy of the verified petition and accompanying papers (a) on the District Attorney for _____ (**name of county**); (b) on the Attorney General of _____ (**name of state**); and (c) on the Police Department of _____ (**name of city**).

Respectfully submitted,

(Printed Name of Attorney)

(Signature of Attorney)

SWORN to and subscribed before me, this the _____ day of _____, 20____.

NOTARY PUBLIC

My Commission Expires:
