



Jon A. Gegenheimer
JEFFERSON PARISH CLERK OF COURT

First Parish Court Criminal Records Dept.
924 David Dr. • Metairie LA 70003 • (504) 736-8910

EXPUNGEMENT INSTRUCTIONS

[La. Code of Criminal Procedure Article 983 *et seq.*, Eff. August 1, 2014]

\$550.00 (Felony or Misdemeanor)

Provide completed forms along with cash, credit card, check (business/personal), or U.S. Postal Service money order in the amount of **\$300.00** made payable to “Jefferson Parish Clerk of Court” **AND** one U.S. Postal Service money order in the amount of **\$250.00** made payable to “La. State Police.”

\$600.00 (DWI)

Provide completed forms along with cash, credit card, check (business/personal) or U.S. Postal Service money order in the amount of **\$300.00** made payable to “Jefferson Parish Clerk of Court”; one U.S. Postal Service money order in the amount of **\$50.00** made payable to “La. Dept. of Safety and Corrections”; **AND** one U.S. Postal Service money order in the amount of **\$250.00** payable to “La. State Police.”

Fees are distributed as follows: La. State Police, \$250; Jefferson Parish Clerk of Court, \$200; 24th JDC District Attorney, \$50; and Jefferson Parish Sheriff, \$50. If DWI, an additional \$50 is provided to the La. Department of Safety and Corrections.

*****ALL FEES ARE NON-REFUNDABLE, EVEN IF THE EXPUNGEMENT IS DENIED.*****

Motion for Expungement—Return the original form with **15** copies.

NOTE: Applicant will not be required to pay filing fees if he obtains a Certificate of Fee Waiver from the District Attorney’s Felony Records Division, 200 Derbigny St., Gretna, stating that applicant has no felony convictions or pending felony charges under a bill of information or indictment and at least one of the following applies:

- a. Applicant was acquitted, after trial, of all charges derived from the arrest, including any lesser offense;
- b. The district attorney consents, and the case against the applicant was dismissed or the district attorney declined to prosecute the case prior to the time limitations prescribed in Chapter 1 of Title XVII of the Code of Criminal Procedure, and the applicant did not participate in a pretrial diversion program;
- c. The applicant was arrested and not prosecuted within the time limitations prescribed in Chapter 1 of Title XVII of the Code of Criminal Procedure and did not participate in a pretrial diversion program;
- d. The applicant was determined to be factually innocent and entitled to compensation for a wrongful conviction pursuant to the provisions of La. R.S. 15:572.8.

Applicant must obtain a Review of Record from the Jefferson Parish Sheriff’s Office, 1233 West Bank Expressway, Harvey, LA 70058, (504) 363-5541. The fee for this service is \$50.00 (NON-REFUNDABLE)[CASH ONLY]. The Review of Record must be obtained within 30 days prior to filing the expungement.

*****The Jefferson Parish Clerk of Court’s Office is prohibited by law from providing legal advice. Therefore, this office cannot assist applicant in completing the Motion for Expungement forms. Applicant must complete them on his own or seek qualified legal counsel for assistance.*****

STATE OF LOUISIANA
FIRST PARISH COURT FOR THE PARISH OF JEFFERSON

No.: _____

Division: " _____ "

State of Louisiana

vs.

**MOTION TO SET ASIDE CONVICTION AND
DISMISS PROSECUTION**

NOW INTO HONORABLE COURT, comes

Defendant,

OR

Defendant through undersigned Counsel,

who moves that the conviction pursuant to Louisiana Code of Criminal Procedure

894(B) Misdemeanors,

OR

893(E) Felonies

in the above numbered case be set aside and that the prosecution dismissed in accordance with the Code of Criminal Procedure in that the period of the deferred sentence has run and petitioner has successfully completed the terms of his probation.

The mover is further identified below:

DOCKET NUMBER: _____

CHARGE: _____

DATE OF ARREST: _____

ARRESTING AGENCY: _____

CITY/PARISH OF ARREST: _____

The Mover prays that, after a contradictory hearing with the District Attorney's Office, the Court order the above numbered case be set aside and that the prosecution dismissed in accordance with the Code of Criminal Procedure.

Respectfully submitted,

Signature of Attorney for Mover/Defendant

Attorney for Mover/Defendant Name

Attorney's Bar Roll No.

Address

City, State, ZIP Code

Telephone Number

If not represented by counsel:

Signature of Mover/Defendant

Mover/Defendant Name

Address

City, State, ZIP Code

Telephone Number

STATE OF LOUISIANA
FIRST PARISH COURT FOR THE PARISH OF JEFFERSON

No.: _____

Division: " _____ "

State of Louisiana

vs.

RULE TO SHOW CAUSE

IT IS HEREBY ORDERED, that the District Attorney show cause on the _____ day of _____, 20 _____, at _____ o'clock __m why the foregoing motion should not be granted.

THUS ORDERED AND SIGNED this _____ day of _____, 20 _____ at Metairie, Louisiana.

JUDGE, FIRST PARISH COURT

PLEASE SERVE:

1. District Attorney, 24th JDC, State of La., 200 Derbigny St., Gretna LA 70053
2. Attorney for Defendant and/or Defendant: _____

STATE OF LOUISIANA
FIRST PARISH COURT FOR THE PARISH OF JEFFERSON

No.: _____

Division: " _____ "

State of Louisiana

vs.

ORDER OF DISMISSAL

Considering the Motion to Set Aside Conviction and Dismiss Prosecution, the hearing conducted on the representation of the State of Louisiana of its consent hereto, and that there is no opposition for any good cause appearing herein;

IT IS ORDERED, ADJUDGED AND DECREED that this conviction is set aside and the prosecution dismissed for purposes of expungement.

THUS ORDERED AND SIGNED this ____ day of _____, 20 ____ at Metairie, Louisiana.

JUDGE, FIRST PARISH COURT

PLEASE SERVE:

1. District Attorney, 24th JDC, State of La., 200 Derbigny St., Gretna LA 70053
2. Attorney for Defendant and/or Defendant: _____

STATE OF LOUISIANA
FIRST PARISH COURT FOR THE PARISH OF JEFFERSON

No.: _____

Division: " _____ "

State of Louisiana

vs.

MOTION FOR EXPUNGEMENT

NOW INTO COURT comes mover, who provides the court with the following information in connection with this request:

I. DEFENDANT INFORMATION

NAME: _____
(Last, First, MI)

DOB: ____/____/____ (MM/DD/YYYY)

GENDER ____ Female ____ Male

SSN (last 4 digits): XXX-XX-_____

RACE: _____

DRIVER LIC.# _____

ARRESTING AGENCY: _____

SID# (if available): _____

ARREST NUMBER: _____

Mover is entitled to expunge the record of his arrest/conviction pursuant to Louisiana Code of Criminal Procedure 971 et seq. and states the following in support:

II. ARREST INFORMATION

1. Mover was arrested on ____/____/____ (MM/DD/YYYY)
2. ____ YES ____ NO A supplemental sheet with arrests and/or convictions is attached after page 2 of this Motion.
3. Mover was:
____ YES ____ NO Arrested, but it did not result in conviction
____ YES ____ NO Convicted of and seeks to expunge a misdemeanor
____ YES ____ NO Convicted of and seeks to expunge a felony
4. Mover was booked and/or charged with the following offenses: (List each offense booked and charged separately. Attach a supplemental sheet, if necessary.)

___ Yes ___ No

ARRESTS THAT DID NOT RESULT IN CONVICTION

ITEM NO. 1

La. Rev. Stat. Ann. § _____ : _____
Name of the offense _____
 Time expired for prosecution _____
(MM/DD/YYYY)
 Not prosecuted for any offense arising out of this charge.
 Pre-trial Diversion Program.
 DWI Pre-Trial Diversion Program and 5 years have elapsed since the date of arrest.
 Charge dismissed
 Found not guilty/judgment of acquittal

ITEM NO. 2

La. Rev. Stat. Ann. § _____ : _____
Name of the offense _____
 Time expired for prosecution _____
(MM/DD/YYYY)
 Not prosecuted for any offense arising out of this charge.
 Pre-trial Diversion Program.
 Charge dismissed
 Found not guilty/judgment of acquittal

ITEM NO. 3

La. Rev. Stat. Ann. § _____ : _____
Name of the offense _____
 Time expired for prosecution _____
(MM/DD/YYYY)
 Not prosecuted for any offense arising out of this charge.
 Pre-trial Diversion Program.
 Charge dismissed
 Found not guilty/judgment of acquittal

___ Yes ___ No

MISDEMEANOR CONVICTIONS

ITEM NO. 1

La. Rev. Stat. Ann. § _____ : _____
Name of the offense _____
 Conviction set aside/dismissed pursuant to C.Cr.P. Art. 894(B) _____/_____/_____
(MM/DD/YYYY)
 More than 5 years have passed since completion of sentence.

ITEM NO. 2

La. Rev. Stat. Ann. § _____ : _____
Name of the offense _____
 Conviction set aside/dismissed pursuant to C.Cr.P. Art. 894(B) _____/_____/_____
(MM/DD/YYYY)
 More than 5 years have passed since completion of sentence.

___ Yes ___ No

FELONY CONVICTIONS

ITEM NO. 1

La. Rev. Stat. Ann. § _____ : _____
 Conviction set aside/dismissed pursuant to C.Cr.P. Art. 893(E) _____/_____/_____
(MM/DD/YYYY)
 More than 10 years have passed since completion of sentence

ITEM NO. 2

La. Rev. Stat. Ann. § _____ : _____
[] Conviction set aside/dismissed _____ / _____ / _____
pursuant to C.Cr.P. Art. 893(E) (MM/DD/YYYY)
[] More than 10 years have passed
since completion of sentence

____ Yes ____ No

**OPERATING A MOTOR VEHICLE WHILE
INTOXICATED CONVICTIONS**

Mover has attached the following:

[] A copy of the proof from the Department of Public Safety and Corrections, office of motor vehicles, that it has received from the clerk of court a certified copy of the record of the plea, fingerprints of the defendant, and proof of the requirements set forth in C.Cr.P. Art. 556, which shall include the defendant's date of birth, last four digits of social security number, and driver's license number

5. Mover has attached to this Motion the following pertinent documents:

- [] Criminal Background Check from the La. State Police/Parish Sheriff dated within the past 30 days (required).
- [] Bill(s) of Information (if any).
- [] Minute entry showing final disposition of case (if any).
- [] Certification Letter from the District Attorney for fee waiver (if eligible).
- [] Certification Letter from the District Attorney verifying that the applicant has no convictions or pending applicable criminal charges in the requisite time periods.
- [] Certification Letter from the District Attorney verifying that the charges were refused.
- [] Certification Letter from the District Attorney verifying that the applicant did not participate in a pretrial diversion program.
- [] A copy of the order waiving the sex offender registration and notification requirements.

The Mover prays that if there is no objection timely filed by the arresting law enforcement agency, the district attorney's office, or the Louisiana Bureau of Criminal Investigation and Information, that an order be issued herein ordering the expungement of the record of arrest and/or conviction set forth above, including all photographs, fingerprints, disposition, or any other such information, which record shall be confidential and no longer considered a public record, nor be made available to other persons, except a prosecutor, member of a law enforcement agency, or a judge who may request such information in writing, certifying that such request is for the purpose of prosecuting, investigating, or enforcing the criminal law, for the purpose of any other statutorily defined law enforcement or administrative duties, or for the purpose of the requirements of sex offender registration and notification pursuant to the

provisions of R.S. 15:541, *et seq.* or as an order of this Court to any other person for good cause shown, or as otherwise authorized by law.

If an "Affidavit of No Opposition" by each agency named herein is attached hereto and made a part hereof, Defendant requests that no contradictory hearing be required and the Motion be granted *ex parte*.

Respectfully submitted,

Signature of Attorney for Mover/Defendant

Attorney for Mover/Defendant Name

Attorney's Bar Roll No.

Address

City, State, ZIP Code

Telephone Number

If not represented by counsel:

Signature of Mover/Defendant

Mover/Defendant Name

Address

City, State, ZIP Code

Telephone Number

STATE OF LOUISIANA
FIRST PARISH COURT FOR THE PARISH OF JEFFERSON

No.: _____

Division: " _____ "

State of Louisiana

vs.

AFFIDAVIT OF RESPONSE

Pursuant to Louisiana Code of Criminal Procedure Article 980, the District Attorney for the Parish of Jefferson acknowledges the following:

- No Opposition.** Respondent respectfully consents to waiver of the contradictory hearing.
- Opposition to the Motion of Expungement with Reasons.** Respondent respectfully requests a contradictory hearing.

OR

Pursuant to Louisiana Code of Criminal Procedure Article 980, the Louisiana Bureau of Criminal Identification and Information acknowledges the following:

- No Opposition.** Respondent respectfully consents to waiver of the contradictory hearing.
- Opposition to the Motion of Expungement with Reasons.** Respondent respectfully requests a contradictory hearing.

OR

Pursuant to Louisiana Code of Criminal Procedure Article 980, the arresting law enforcement agency, _____, acknowledges the following:

- No Opposition.** Respondent respectfully consents to waiver of the contradictory hearing.
- Opposition to the Motion of Expungement with Reasons.** Respondent respectfully requests a contradictory hearing.

Respectfully submitted,

Signature of Attorney

Attorney's Bar Roll No.

Address

City, State, ZIP Code

Telephone Number

PLEASE SERVE:

1. District Attorney, 24th JDC, State of La., 200 Derbigny St., Gretna LA 70053
2. La. Bureau of Criminal Identification and Information, c/o La. State Police, P.O. Box 66614, Baton Rouge LA 70896-6614
3. The Arresting Agency: _____

STATE OF LOUISIANA
FIRST PARISH COURT FOR THE PARISH OF JEFFERSON

No.: _____

Division: " _____ "

State of Louisiana

vs.

ORDER

IT IS HEREBY ORDERED,

- [] If there is an objection to the Motion for Expungement, the district attorney and the arresting law enforcement agency shall file a motion to object within sixty days of the service of this Order.
- [] If the Louisiana Bureau of Criminal Identification and Information objects to the Motion for Expungement, they shall file a motion within 120 days of the service of this order (prior to August 1, 2015) and within 60 days of service of this order (after August 1, 2015).
- [] **NO CONTRADICTORY HEARING SHALL BE REQUIRED** as evidenced by the "Affidavit of No Opposition" executed by each agency named herein and attached to the Motion for Expungement.

THUS ORDERED AND SIGNED this ____ day of _____, 20 ____ at
Metairie, Louisiana.

JUDGE, FIRST PARISH COURT

PLEASE SERVE:

1. District Attorney, 24th JDC, State of La., 200 Derbigny St., Gretna LA 70053
2. La. Bureau of Criminal Identification and Information c/o La. State Police, P.O. Box 66614, Baton Rouge LA 70896-6614
3. Arresting Agency: _____

STATE OF LOUISIANA
FIRST PARISH COURT FOR THE PARISH OF JEFFERSON

No.: _____

Division: " _____ "

State of Louisiana

vs.

ORDER OF EXPUNGEMENT OF ARREST/CONVICTION RECORD

Considering the Motion for Expungement

The hearing conducted and evidence adduced herein,

OR

Affidavits of No Opposition filed,

IT IS ORDERED, ADJUDGED AND DECREED

THE MOTION IS DENIED for Item(s) No. _____ the following reasons (check all that apply):

More than five years have not elapsed since Mover completed the misdemeanor conviction sentence.

More than ten years have not elapsed since Mover completed the felony conviction sentence.

Mover was convicted of one of the following ineligible felony offenses:

A violation of the Uniform Controlled Dangerous Substances Law which is ineligible to be expunged.

An offense currently listed as a sex offense that requires registration pursuant to La. Rev. Stat. Ann. 15:540 et seq., at the time the Motion was filed, regardless of whether the duty to register was ever imposed.

An offense defined or enumerated as a "crime of violence" pursuant to La. Rev. Stat. Ann. 14:2(B) at the time the Motion was filed.

The arrest and conviction being sought to have expunged is for operating a motor vehicle while intoxicated and a copy of the proof from the Department of Public Safety and Corrections, office of motor vehicles, is not attached as required by C.Cr.P. Art. 984(A).

Mover has had another record of misdemeanor conviction expunged during the previous five-year period.

The record of arrest and conviction which Mover seeks to have expunged is for operating a motor vehicle while intoxicated and Mover has had another record of arrest and misdemeanor conviction expunged during the previous ten-year period.

Mover has had another record of felony conviction expunged during the previous fifteen-year period.

ARREST NUMBER: _____

ARREST DATE: ____/____/____ (MM/DD/YY)

THUS ORDERED AND SIGNED this ____ day of _____, 20 ____ at
Metairie, Louisiana.

JUDGE, FIRST PARISH COURT

PLEASE SERVE:

1. District Attorney, 24th JDC, State of La., 200 Derbigny St., Gretna LA 70053
2. Arresting Agency: _____
3. Jefferson Parish Sheriff, 1233 West Bank Expwy., Harvey, LA 70058
4. La. Bureau of Criminal Identification and Information c/o La. State Police, P.O. Box 66614, Baton Rouge LA 70896-6614
5. Attorney for Defendant (or defendant): _____