

IN THE CIRCUIT COURT OF \_\_\_\_\_ COUNTY, WEST VIRGINIA

Circuit Court Case No. \_\_\_\_\_

IN RE: Expungement of Record of:

Magistrate Court Case No. \_\_\_\_\_

Conviction Date: \_\_\_\_\_

Petitioner (First/Middle/Last) \_\_\_\_\_

Address: \_\_\_\_\_ DOB: \_\_\_\_ / \_\_\_\_ / \_\_\_\_ Phone No. \_\_\_\_\_

SSN: XXX-XX-\_\_\_\_\_

**PETITION FOR EXPUNGEMENT OF MISDEMEANOR VIOLATIONS  
AND TRAFFIC CITATIONS**

*W. Va. Code §61-11-26 and §61-11-26(a)*

Comes now the petitioner, pro se, pursuant to §61-11-26 and/or §61-11-26a to expunge the following misdemeanors in the above referenced case:

CHARGE: _____	CASE NO.: _____
CHARGE: _____	CASE NO.: _____
CHARGE: _____	CASE NO.: _____
CHARGE: _____	CASE NO.: _____

In Support of this Petition, the Petitioner states as follows:

- The charge(s) noted above are not excluded under §61-11-26(c).
- Petitioner has no pending charges at this time.
- Petitioner has completed eligibility requirements for expungement as prescribed by one of the below:

☐ For the expungement under WV Code §61-11-26 of a single above listed and described misdemeanor conviction or traffic citations(s), one year has passed since the completion of petitioner's sentence and any period of supervision. The date of eligibility is: \_\_\_\_\_.

☐ For the expungement under WV Code §61-11-26 of multiple above listed and described misdemeanor convictions or traffic citation(s), two years have passed since any conviction and the completion of petitioner's sentence and any period of supervision. The date of eligibility is: \_\_\_\_\_.

☐ For the expungement under WV Code §61-11-26 of a single above listed and described misdemeanor conviction or traffic citation(s), where the petitioner satisfies the requirements of §61-11-26a(1) or §61-11-26a(2), or both, if applicable, following the completion of petitioner's sentence and any period of supervision. The date of eligibility is: \_\_\_\_\_. **Petitioner must provide documentation required under §61-11-26a(b).**

☐ For the expungement under WV Code §61-11-26 of multiple above listed and described misdemeanor convictions or traffic citation(s), where the petitioner satisfies the requirements of §61-11-26a(1) or §61-11-26a(2), or both, if applicable, one year has passed since any conviction and completion of petitioner's sentence and any period of supervision. The date of eligibility is: \_\_\_\_\_. **Petitioner must provide documentation required under §61-11-26a(b).**

- d. Petitioner's current name, previous names, and all aliases: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_.
- e. All of petitioner's addresses from the date of offense to current: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_.
- f. Date of arrest: \_\_\_\_\_
- g. Petitioner was convicted on the following charges: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_.
- h. Name(s) of victim(s) if applicable: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_.
- i. Is there a current order for restitution, protection, restraining order or other no contact order prohibiting the petitioner from contacting victim(s)?  
☐ Yes (If yes, attach copy of order to this petition)  
☐ No
- Was there a prior order for restitution, protection, restraining order or other no contact order prohibiting the petitioner from contacting victim(s)?  
☐ Yes  
☐ No
- j. The Court's verdict and punishment imposed was: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_.
- k. Grounds for expungement request, including but not limited to employment or licensure purposes (please explain in detail): \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_.
- l. Steps petitioner has taken since the time of the offense towards personal rehabilitation, including treatment, work, or other personal history that demonstrates rehabilitation (please explain in detail): \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_.

m. Has petitioner ever been granted expungement or similar relief regarding a criminal conviction by any court in this state, in any other state, or by any federal court?

☐ Yes

☐ No

n. Petitioner has attached any supporting documentation, sworn statements, affidavits, and/or other information supporting the petition to expunge.

Wherefore, pursuant to WV Code §61-11-26, the petitioner respectfully requests that this Honorable Court expunge the conviction(s), and the records associated therewith, as provided in this petition.

\_\_\_\_\_  
Signature of Petitioner

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### VERIFICATION

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I, \_\_\_\_\_ after making an oath or affirmation to tell the truth, say that the facts I have stated in this Petition are true to the best of my personal knowledge and belief; and if I have provided information given to me by others, I believe that information to be true.

\_\_\_\_\_  
Signature of Petitioner

\_\_\_\_\_  
Date

This Verification was sworn to or affirmed before me on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
Notary Public/Other Official

My commission expires: \_\_\_\_\_.

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## CERTIFICATE OF SERVICE

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I, \_\_\_\_\_, do hereby certify that I have, on this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_, given a true and correct copy of the foregoing Petition For Expungement Of Criminal Records as Provided Under W.Va. Code § 61-11-26 and/or West Virginia Code §61-11-26(a) with all attached supporting documentation to:

1. The Superintendent of the State Police, at \_\_\_\_\_  
\_\_\_\_\_
2. The \_\_\_\_\_ County Prosecuting Attorney's Office, at \_\_\_\_\_  
\_\_\_\_\_
3. The Chief of Police (or other Executive Head of the Municipal Police Department where the offense(s) were committed, at \_\_\_\_\_  
\_\_\_\_\_
4. The Chief Law Enforcement Officer of any other Law Enforcement Agency which participated in the arrest (if applicable), at \_\_\_\_\_  
\_\_\_\_\_
5. The Superintendent or Warden of any institution in which Petitioner was confined (if applicable) at \_\_\_\_\_  
\_\_\_\_\_
6. The Circuit Court that disposed of the Petitioner's criminal charges (if applicable) at \_\_\_\_\_  
\_\_\_\_\_
7. The Magistrate Court that disposed of the Petitioner's criminal charges (if applicable) at \_\_\_\_\_  
\_\_\_\_\_
8. The Municipal Court that disposed of the Petitioner's criminal charges (if applicable) at \_\_\_\_\_  
\_\_\_\_\_

By the following method:

- ☐ First Class Mail
- ☐ Hand Delivery
- ☐ Certified Mail - Return Receipt

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature of Petitioner