

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 FELONY VIOLATIONS

W. Va. Code §61-11-26 and §61-11-26a

Comes now the petitioner, pro se, pursuant to §61-11-26 and/or §61-11-26a to expunge the following felonies 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:

- a. The charge(s) noted above are not excluded under §61-11-26(c).
- b. Petitioner has no pending charges at this time.
- c. 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 felony conviction, five years have passed since the completion of petitioner's sentence and any period of supervision. The date of completion was: _____.
 - ☐ For the expungement under WV Code §61-11-26 of multiple above listed and described felony convictions, all the charges arose from the same transaction and five years have passed since any conviction and the completion of petitioner's sentence and any period of supervision. The date of completion was: _____.
 - ☐ For the expungement under WV Code §61-11-26a of a single above listed and described felony conviction, where the petitioner satisfies the requirements of §61-11-26a(a)(1) or §61-11-26a(a)(2), or both, if applicable, three years have passed following the completion of petitioner's sentence and any period of supervision. The date of completion was: _____.
Petitioner must provide documentation required under §61-11-26a(b).
 - ☐ For the expungement under WV Code §61-11-26a of multiple above listed and described felony convictions, where the petitioner satisfies the requirements of §61-11-26a(a)(1) or §61-11-26a(a)(2), or both, if applicable, three years have passed since any conviction and completion of petitioner's sentence and any period of supervision. The date of completion was: _____.
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 proposes (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 (If yes, attach copy of order to this petition)

☐ 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 request that this Honorable Court expunge the conviction(s) and the records associated therewith as provided in this petition.

Signature of Petitioner

VERIFICATION

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: _____.

CERTIFICATE OF SERVICE

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 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 Superintendent or Warden of any Institution in which Petitioner was confined (if applicable, at _____

5. The Circuit Court that disposed of the Petitioner's criminal charges (if applicable) at _____

6. The Magistrate Court that disposed of the Petitioner's criminal charges (if applicable) at _____

7. 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