

**STATE OF RHODE ISLAND**

**DISTRICT COURT**

**MOTION TO EXPUNGE OR SEAL RECORD**

<b>State of Rhode Island</b> v. <b>Defendant</b>	<b>Case Number</b>
	<b>Bureau of Criminal Identification Number</b>
<input type="checkbox"/> Murray Judicial Complex 2nd Division 45 Washington Square Newport, Rhode Island 02840-2913	<input type="checkbox"/> Noel Judicial Complex 3rd Division 222 Quaker Lane Warwick, Rhode Island 02886-0107
<input type="checkbox"/> McGrath Judicial Complex 4th Division 4800 Tower Hill Road Wakefield, Rhode Island 02879-2239	<input type="checkbox"/> Garrahy Judicial Complex 6th Division One Dorrance Plaza Providence, Rhode Island 02903-2719

Now comes the Defendant and requests that the above-referenced case containing the following charge(s) be  **expunged**  **sealed**.

1. Count(s): _____ _____ _____	2. Charge(s): _____ _____ _____	3. Disposition(s): _____ _____ _____
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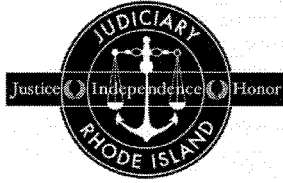
Wherefore, the Defendant respectfully moves this honorable court that:

- Pursuant to G.L. 1956 § 12-1-12, any fingerprints, photographs, physical measurements, or other record of identification taken by the Office of the Attorney General or any other authorized law enforcement agency shall be **destroyed**, all records of the Bureau of Criminal Identification (BCI) shall be **sealed**, and all court records shall be **sealed** in accordance with G.L. 1956 § 12-1-12.1.
- All records and records of conviction relating to the conviction of the above-referenced case be **expunged** and all index and other references to it removed from public inspection pursuant to G.L. 1956 § 12-1.3-3(c) or (e).

An Affidavit is submitted in support of this motion. This motion is called for a hearing on \_\_\_\_\_ at 9:00 a.m. in courtroom \_\_\_\_\_ at the court location listed above.

I hereby certify that pursuant to G.L. 1956 § 12-1-12.1(b) or § 12-1.3-3(a), on \_\_\_\_\_, the Office of the Attorney General and the \_\_\_\_\_ Police Department, which originally brought this charge, have been notified of this motion and court date at least ten (10) days prior to the hearing date.

/s/ _____ Attorney for the Defendant or the Defendant	Rhode Island Bar Number:
	Date:



# STATE OF RHODE ISLAND

## DISTRICT COURT

### AFFIDAVIT IN SUPPORT OF MOTION TO EXPUNGE OR SEAL RECORD

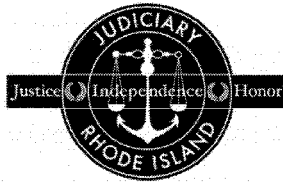
<b>State of Rhode Island</b> v. <b>Defendant</b>	<b>Case Number</b>
	<b>Bureau of Criminal Identification Number</b>

I, the undersigned, do hereby, under oath, make this affidavit in support of my Motion to Expunge or Seal Record:

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- Part One: Acquittals, Dismissals*
- That I was charged with the crime(s) listed in Box 2 of the motion.
  - That I was acquitted or otherwise exonerated of this offense(s).
  - That the case was dismissed against me.
  - That I have not been previously convicted of a felony.
  - That I have satisfied in full any and all outstanding court-imposed and/or court-related fines, fees, costs, assessments, and/or charges.

- 
- Part Two A: Single, Conviction, Probation*
- That I was charged with the crime listed in Box 2 of the motion.
  - That I received the disposition listed in Box 3 of the motion.
  - That the disposition listed in Box 3 of this motion is not a conviction for a crime of violence.
  - That I have not been convicted of more than one (1) misdemeanor preceding the filing of this motion and have not been convicted of a felony.
  - That it has been more than five (5) years from the date of the completion of my last sentence.
  - That in the five (5) years preceding the filing of this motion, I have not been convicted of nor arrested for any felony or misdemeanor.
  - That there are no criminal proceedings pending against me, and I have exhibited good moral character.
  - That I have satisfied in full any and all outstanding court-imposed and/or court-related fines, fees, costs, assessments, and/or charges.

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- Part Two B: Multiple Convictions, Probations*
- That I was charged with the crimes listed in Box 2 of the motion.
  - That I received the dispositions listed in Box 3 of the motion.
  - That none of the dispositions listed in Box 3 of this motion are convictions for a crime of violence.
  - That none of the dispositions listed in Box 3 of this motion are convictions under chapter 29 of title 12 (Domestic Violence Prevention Act), G.L. 1956 § 31-27-2 (Driving Under the Influence of Liquor or Drugs), or G.L. 1956 § 31-27-2.1 (Refusal to Submit to Chemical Test).
  - That I have not been convicted of more than five (5) misdemeanors preceding the filing of this motion and have not been convicted of a felony.



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- That it has been more than ten (10) years from the date of the completion of my last sentence.
That in the ten (10) years preceding the filing of this motion I have not been convicted of nor arrested for any felony or misdemeanor.
That there are no criminal proceedings pending against me, and I have exhibited good moral character.
That I have satisfied in full any and all outstanding court-imposed and/or court-related fines, fees, costs, assessments, and/or charges.

Part Three: Filings

- That I was charged with the crime listed in Box 2 of the motion.
That the case was disposed of by a filing.
That the crime listed in Box 2 of this motion is not a crime of domestic violence, and it has been more than one (1) year since the case was disposed of by a filing.
That the crime listed in Box 2 of this motion is a crime of domestic violence, and it has been more than three (3) years since the case was disposed of by a filing.
That I was not previously convicted of a felony or a private complaint.
That I did not violate the terms of my filing.
That I have satisfied in full any and all outstanding court-imposed and/or court-related fines, fees, costs, assessments, and/or charges.

Part Four: Decriminalized Offense

- That I was charged with the crime listed in Box 2 of the motion.
That I received the disposition listed in Box 3 of the motion.
That all conditions of the original criminal sentence have been completed.
That I have satisfied in full any and all outstanding court-imposed and/or court-related fines, fees, costs, assessments, and/or charges.
That the offense has been decriminalized subsequent to the date of my conviction.

Signature of the Defendant \_\_\_\_\_ Date \_\_\_\_\_

State of \_\_\_\_\_
County of \_\_\_\_\_

On this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, before me, the undersigned notary public, personally appeared \_\_\_\_\_ personally known to me or proved to me through satisfactory evidence of identification, which was \_\_\_\_\_, to be the person who signed above in my presence, and who swore or affirmed to me that the contents of the document are truthful to the best of his or her knowledge.

Notary Public: \_\_\_\_\_
My commission expires: \_\_\_\_\_
Notary identification number: \_\_\_\_\_