

# **CIRCUIT COURT FOR THE CITY OF ALEXANDRIA**

## **GENERAL PROCEDURES FOR OBTAINING AN EXPUNGEMENT**

The following is not an exhaustive explanation of how to obtain an expungement of a criminal charge, but rather is an overview of the process in the City of Alexandria Circuit Court. If you choose to represent yourself in this proceeding, the Court expects you to familiarize yourself with the Virginia laws and rules pertaining to expungements. (See Virginia Code, §§19.2-392.1 to 19.2-392.4 as to expungement of criminal, police and court records, and/or § 9.1-134 as to sealing of criminal history record information.) The Virginia Code is available online at <http://law.lis.virginia.gov/vacode>, and the Rules of the Supreme Court of Virginia are available online at <http://www.courts.state.va.us/courts/scv/rulesofcourt.pdf> and in print at the Law Library in the lower level of the Court House Building at 520 King Street.

Use these sample forms to create your own documents including a “Petition for Expungement” to begin your case and an “Order of Expungement” for the Judge to sign. When you have finished writing your documents, bring an original and two copies to the Clerk’s Office in Room 307 (on the 3rd Floor) of the Courthouse Building at 520 King Street. You will be assigned a Case Number at that time.

**Please note, according to Virginia Code § 19.2-392.2(A), you may only file a Petition for Expungement of a criminal charge in cases where:**

- 1) the Petitioner was acquitted (found not guilty) of the charge, or
- 2) the charge was nolle prosequi (not prosecuted) or dismissed, or
- 3) the Petitioner was granted an absolute pardon.

If your case qualifies under one of the above three circumstances, please read the following excerpt from Virginia Code, §19.2-392.2 regarding your obligation to have your fingerprints taken and further information about the court procedure:

E. The petitioner shall obtain from a law-enforcement agency one complete set of the petitioner's fingerprints and shall provide that agency with a copy of the petition for expungement. The law-enforcement agency shall submit the set of fingerprints to the Central Criminal Records Exchange (CCRE) with a copy of the petition for expungement attached. The CCRE shall forward under seal to the court a copy of the petitioner's criminal history, a copy of the source documents that resulted in the CCRE entry that the petitioner wishes to expunge, and the set of fingerprints. Upon completion of the hearing, the court shall return the fingerprint card to the petitioner.

F. After receiving the criminal history record information from the CCRE, the court shall conduct a hearing on the petition. If the court finds that the continued existence and possible dissemination of information relating to the arrest of the petitioner causes or may cause circumstances which constitute a manifest injustice to the petitioner, it shall enter an order requiring the expungement of the police and court records relating to the charge. Otherwise, it shall deny the petition. However, if the petitioner has no prior criminal record and the arrest was for a misdemeanor violation, the petitioner shall be entitled, in the absence of good cause shown to the contrary by the Commonwealth, to expungement of the police and court records relating to the charge, and the court shall enter an order of expungement. ...

I. Upon the entry of an order of expungement, the clerk of the court shall cause a copy of such order to be forwarded to the Department of State Police which shall, pursuant to rules and regulations adopted pursuant to Virginia Code § 9.1-134, direct the manner by which the appropriate expungement or removal of such records shall be effected.

**PLEASE NOTE THAT THE EXPUNGEMENT ORDER WILL NOT BE ENTERED UNTIL THE FINGERPRINT RESULTS HAVE BEEN RETURNED TO THE CLERK'S OFFICE AND THE COMMONWEALTH'S ATTORNEYS OFFICE HAS ENDORSED THE ORDER.**

## SAMPLE PETITION FOR EXPUNGEMENT

VIRGINIA:     IN THE CIRCUIT COURT OF THE CITY OF ALEXANDRIA

**[PETITIONER'S NAME],**

Petitioner

vs.

CASE No.: **[LEAVE BLANK]**

Commonwealth of Virginia,

Respondent

### PETITION FOR EXPUNGEMENT

TO THE HONORABLE JUDGES OF SAID COURT:

COMES NOW your Petitioner, **[PETITIONER'S NAME]**, and represents unto this Honorable Court as follows:

1. That your petitioner, **[PETITIONER'S NAME]**, whose date of birth is **[BIRTH DATE]**, was arrested on **[DATE OF ARREST]** by the Sheriff's Department of **[CITY/COUNTY]** for **[DESCRIBE CHARGE(S)]** which constitute a violation of Section **[STATE VIRGINIA CODE SECTION VIOLATED]** of the Code of Virginia, 1950, as amended, a copy of which warrant has been attached hereto as Exhibit A.
2. That at the time of the aforesaid arrest your Petitioner was using the name **[STATE NAME IN USE AT THE TIME OF ARREST]**.
3. That your Petitioner, **[PETITIONER'S NAME]**, was innocent of any and all charges aforesaid.
4. That on **[DATE OF HEARING]**, in the General District Court of the **[COUNTY/CITY]** of **[JURISDICTION]**, Virginia, the Commonwealth of Virginia moved for a **[NOLLE PROSEQUI / DISMISSAL]** of said charges, which motion was granted by the Court at that

time. **[INSERT OTHER OUTCOME OF HEARING, IF APPLICABLE. FOR EXAMPLE, PETITIONER WAS FOUND NOT GUILTY.]**

5. That the continued existence and possible dissemination of the information relating to the aforesaid arrest of the Petitioner, **[PETITIONER'S NAME]**, may cause circumstances that constitute a manifest injustice to the Petitioner.

WHEREFORE, your Petitioner prays, pursuant to § 19.2-392.2 of the Code of Virginia, 1950, as amended, that the police and court records relating to the aforesaid charges be expunged and that a copy of any order of expungement be forwarded to the Department of Criminal Justice Services to be acted upon in accordance with the rules and regulations adopted pursuant to § 9-190 of the Code of Virginia, 1950, as amended.

Respectfully submitted,

**[PETITIONER'S SIGNATURE]**  
Petitioner, *pro se*

## SAMPLE ORDER OF EXPUNGEMENT

VIRGINIA:     IN THE CIRCUIT COURT OF THE CITY OF ALEXANDRIA

**[PETITIONER'S NAME]**,  
Petitioner

vs.

CASE No.: **[LEAVE BLANK]**

Commonwealth of Virginia,  
Respondent

### ORDER OF EXPUNGEMENT

It appearing to the Court that your Petitioner, **[PETITIONER'S NAME]**, has filed in this Court a petition pursuant to § 19.2-392.2 of the Code of Virginia, 1950, as amended, praying that police and court records relating to charges more particularly set forth therein be expunged and that a copy of any order for expungement be served upon the Department of Criminal Justice Services to be acted upon in accordance with the rules and regulations adopted pursuant to § 9-190 of the Code of Virginia, 1950, as amended; and

Whereas, it further appearing to the Court that the continued existence and possible dissemination of information relating to the arrest of Petitioner, **[PETITIONER'S NAME]**, may cause circumstances that constitute a manifest injustice to said Petitioner.

Now, therefore, in consideration of the foregoing it is hereby ADJUDGED, ORDERED, and DECREED that all police and court records relating to the charge(s) of **[DESCRIBE CHARGE(S)]**, be and they hereby are, expunged; and it is further ORDERED that the Clerk of this Court serve a copy of this Order of Expungement upon the

Department of Criminal Justice Services to be acted upon in accordance with § 9-190 of the Code of Virginia, 1950, as amended.

ENTERED this \_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_.

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JUDGE

I ask for this:

**[PETITIONER'S SIGNATURE]**

Petitioner, *pro se*

Seen:

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Attorney for the Commonwealth