

Tioga County Self Help Kit



HOW TO FILE A PETITION TO EXPUNGE SUMMARY OFFENSES COURT OF COMMON PLEAS LEVEL

****You must remain arrest free for a period of 5 years after your conviction to qualify for this type of expungement****

Disclaimer

Neither the staff in Court Administration nor the staff in any Court office will be able to give you legal advice or help you fill out/complete these forms. The information in the packets is not to be a substitute for legal advice. The Court assumes no responsibility and accepts no liability for actions taken by users of these documents, including reliance on their contents. If you want to obtain the services of an attorney but do not know whom to contact, you may call North Penn Legal Services at 1-877-953-4250.

EXPUNGEMENT INSTRUCTIONS:

If you have been free of arrest or prosecution for five years following the conviction for a summary offense, you are eligible to file a Petition to Expungement. Please complete the following petition:

1. Prepare your Petition for Expungement. You will need to complete the attached form with the following information in order to complete your Petition for Expungement. You can obtain the required information from your criminal file which can be located in the Tioga County Clerk of Courts office on the 1st floor of the Tioga County Courthouse.

- **All information must be filled in on the petition; sign & date petition**

2. Complete the Verification/Affidavit form. This document needs to be notarized prior to filing the Expungement. (**Do not** sign this page until you get to the Notary's Office.)

3. File the Original and three copies with the Clerk of Courts. The Clerk of Courts office is located on the 1st Floor of the Tioga County Courthouse. Also, a one hundred thirty two (\$132.00) dollar (only certified check, money order, or cash will be accepted) **NON-REFUNDABLE** filing fee is required at the time of submission.

4. Take one completed, time stamped copy of your petition to the District Attorney's Office and one copy to the Court Administrator's Office which are located on the 2nd Floor of the Tioga County Courthouse. Retain one copy for your records.

5. Sign the Affidavit of Service stating that you have served a copy of your Motion for Expungement on the Commonwealth of Pennsylvania at the District Attorney's Office and file it in the Prothonotary's Office.

6. If your motion is granted, you will receive a copy of your Order for Expungement in the mail. Your Order will also be mailed to all the appropriate parties to ensure your record will be expunged. If your petition is denied, you will receive notice via certified mail of the reasons why your petition was denied.

7. **HEARING: The court may hold a hearing. Or, if there are no objections to the Petition, the court may make a decision based on written documentation.** You will receive notice of a date and time for the hearing from the Court Administrator's office. Failure to appear for this hearing may result in the dismissal of your petition.

If the Court finds that you are eligible for expungement and no objections have been received, it will grant the expungement and issue an Order of Expungement. Your Order will also be mailed to you and all the appropriate parties to ensure your record will be expunged. If your Petition is denied, you will receive notice via certified mail of the reasons why your Petition was denied.

If you are pursuing an expungement related to the completion of the ARD program, **DO NOT** use these forms. Please contact the Court Administrator's office for ARD expungement instructions.

COMMONWEALTH OF PENNSYLVANIA : IN THE COURT OF COMMON PLEAS
:
: OF TIOGA COUNTY, PENNSYLVANIA
vs. :
: NO. _____ CR _____
:
:
_____ :

**PETITION FOR EXPUNGEMENT OF SUMMARY OFFENSE(S) PURSUANT TO
18 PA. C.S.A § 9122(b3i) AND RULE 490.**

AND NOW, this _____ day of _____ 20_____, comes the defendant,
and respectfully requests that this Petition for Expungement be granted, for the following
reasons:

Petitioner/Defendant, _____, pro se, respectfully
represents the following:

1. Petitioner/Defendant lives at: _____

2. Petitioner/Defendant has the following aliases: _____
3. Petitioner/ Defendant's date of birth is _____ and social
security number is _____.
4. The name and address of the MDJ who heard the case is:
 04-3-01, Judge Edgcomb; 117 Court Street, Suite C; Elkland, PA 16920.
 04-3-02, Judge Repard; 118 Main Street; Wellsboro, PA 16901
 04-3-03, Judge Carlson; 267 South Main Street; Mansfield, PA 16933.

And the Docket Number is : _____.

5. The name and address of the Judge of the Court of Common Pleas who accepted the
guilty plea or heard the case is :

- Judge Robert E. Dalton Jr; 118 Main Street; Wellsboro, PA 16901.
 Judge George W. Wheeler; 118 Main Street; Wellsboro, PA 16901.
 Other: _____

6. The affiant who made the arrest is _____ with an address of _____.

7. The date of the complaint, or the date of the arrest is _____ and the criminal justice agency that made the arrest is _____.

8. The offense tracking number (OTN) is _____.

9. The specific charges to be expunged are: (list all charges individually)

10. The date of disposition and, if the sentence includes fines, costs, or restitution, whether the amount due has been paid: _____.

11. The reason(s) for the request for expungement are: _____

_____.

12. All fines, costs, fees, and restitution have been paid in full, if applicable.

13. A copy of this Petition will be served upon the District Attorney's Office of Tioga County, Pennsylvania.

WHEREFORE, Petitioner respectfully requests this Honorable Court to order the expungement of all records pertaining to the aforementioned case, wherever they may be located and by whom they may be retained.

Respectfully submitted,

Pro Se

Phone: _____

COMMONWEALTH OF PENNSYLVANIA : IN THE COURT OF COMMON PLEAS
 :
 : OF TIOGA COUNTY, PENNSYLVANIA
 :
 :
 :
 : NO. _____ CR _____
 :
 :
 vs.

VERIFICATION/AFFIDAVIT

I, _____, being duly affirmed according to law, does hereby depose and say that the facts contained herein are true and correct; that your affiant is the above-named Defendant and makes this application requesting the Court to enter and Order expunging the aforesaid charges against him/her.

Defendant also swears and affirms that he/she has been free from arrest for a period of five years following his/her conviction for the summary offense.

I understand that false statements herein are made subject to the penalties of 18 Pa. C.S. §4904, relating to unsworn falsification to authorities.

 Date

 Signature of Petitioner/Defendant

Sworn to and subscribed before me this _____ day of _____, 20_____.

 Notary Public

My commission expires: _____

COMMONWEALTH OF PENNSYLVANIA : IN THE COURT OF COMMON PLEAS
:
: OF TIOGA COUNTY, PENNSYLVANIA
vs. :
:
:
: NO. _____ CR _____
:
:

AFFIDAVIT OF SERVICE

I, _____, do hereby certify that I served upon the Commonwealth of Pennsylvania, through the Office of the District Attorney of Tioga County, Pennsylvania, a copy of the Petition for Expungment in the above captioned matter, by leaving a copy with District Attorney's Office, on the ____ day of _____, 20____.

Date

Petitioner/Defendant