

Tioga County Self Help Kit



HOW TO FILE A PETITION TO EXPUNGE NOLLE PROSSED, WITHDRAWN OR DISMISSED CHARGES

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:

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 Prothonotary's office on the first floor of the Tioga County Courthouse. Information can also be found on the UJS Portal at <http://ujportal.pacourts.us/>.

Instructions for filling out caption

Please fill out the appropriate docket number in the spaces provided. Only fill out those in which you wish to have expunged

ONLY ONE CRIMINAL DOCKET NUMBER PER PETITION.

Instructions for filling out petition

The Petitioner/Defendant is your full legal name.

- 1) Fill in your full mailing/physical address, including PO Box if used.
- 2) Fill in any aliases you have used, if not applicable, write N/A.
- 3) Fill in your date of birth and social security number.
- 4) Check the box of the MJD that heard your case.
- 5) Check the box of the Common Pleas Judge who heard your case. If it is other, please be specific.
- 6) Fill in the name of the affiant (arresting office) and the address of the police station.
- 7) Fill in the offense tracking number (OTN). If unknown, put UNKNOWN. This information can be found on the criminal complaint.
- 8) Fill in the date of the complaint or your arrest date and the criminal justice agency that made the arrest (ex: PSP, Wellsboro PD, etc.).
- 9) List the specific charges you want expunged.
- 10) List the disposition of the charges (ex: withdrawn, nolle prossed, dismissed, etc).
- 11) List the reason for the expungement request.
- 12) Sign your name where it says "Pro Se," meaning "for yourself."

2. Complete the Verification/Affidavit form. This document needs to be notarized when filing the Petition to Expunge. (**Do not** sign this page until you get to the Prothonotary'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, per case, 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.** If a hearing is requested, 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.

Failure to accurately complete this petition will result in your request for expungement being DENIED. Please ensure the forms are filled out completely and accurately per the instructions.

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

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 McRae; 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.

5. The name and address of the Judge of the Court of Common Please who 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 offense tracking number (OTN) is _____.

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

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

10. The disposition of the charges was (Circle one): nolle prossed/withdrawn/dismitted.

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

12. The Commonwealth of Pennsylvania will not be harmed by granting this
Petition.

13. All fines, costs, fees, and restitution have been pain in full, if applicable.

14. 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 verifies that statements made in this Petition for Expungment are true and
correct. 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
:
:
: NO. _____ CR _____

:

vs.

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 the office, on the ____ day of _____, 20____.

Date

Petitioner/Defendant