

4-951. Petition to expunge arrest records and public records; identity theft.

[For use with District Court Rule 1-077.1 NMRA]

STATE OF NEW MEXICO
COUNTY OF DONA ANA
THIRD JUDICIAL DISTRICT COURT

In re _____, Petitioner. No.

PETITION TO EXPUNGE ARREST RECORDS AND PUBLIC RECORDS UNDER
SECTION 29-3A-3 NMSA 1978
(Identity Theft)

Petitioner, [] unrepresented by counsel/[] represented by counsel (select one), under Section 29-3A-3 NMSA 1978, respectfully moves the Court to expunge the arrest records and public records related to the case and charge(s) below.

1. Information about Petitioner:

Date of Birth: _____

Current Mailing Address: _____

City: _____ State: _____ Zip Code: _____

Home Phone #: _____ Work Phone #: _____ Cell #: _____

Other names or aliases by which Petitioner has been known (*include prior names, nicknames, or aliases, especially if your arrest records may reflect a different name*):

2. [] Petitioner has no pending expungement cases in the Third Judicial District.

[] Petitioner has the following pending expungement cases in the Third Judicial District (*provide expungement case numbers for any expungement cases that may be currently pending before the Third Judicial District Court*):

3. [] Petitioner has never applied for expungement and been denied.

[] Petitioner has applied for expungement and has been denied in the following expungement cases (*provide the expungement case numbers*): _____

4. As a result of the identity theft, Petitioner has been improperly named in the following criminal case or cases:

Case name: _____

Case number: _____
Date of filing: _____

Please attach copies of any records in your possession associated with this case.

5. Petitioner asks this Court for an Order to Expunge Arrest and Criminal Records for information in the custody of the following agencies:
- District Court in the Third Judicial District;
 - Dona Ana Sheriff's Department;
 - District Attorney for the Third Judicial District;
 - New Mexico Department of Public Safety;
 - Las Enforcement Agency (*name of law enforcement agency*); _____
 - Metropolitan/Magistrate Court/Municipal Court in _____ (*location*);
 - New Mexico State Police Investigations Bureau;
 - Other _____
6. The charges sought to be expunged were originally disposed of or originated in (*select one*)
- District Court in the Third Judicial District
 - Metropolitan Court in _____ (*location*)
 - Magistrate Court in Dona Ana County (*location*)
 - Municipal Court in _____ (*location*)
7. Petitioner wishes to attend any hearings in this matter by telephonic or other electronic means as provided for in Rule 1-077.1(J) NMRA.

SIGNATURE SECTION

I, Petitioner, affirm under penalty of perjury under the laws of the State of New Mexico that the statements herein are true and correct.

Printed name of Petitioner

Date

Signature of Petitioner

Mailing Address

Telephone Number

Email

Attorney Name (if applicable)

Date

Attorney Signature

Mailing Address

Telephone Number

Email

[Provisionally adopted by Supreme Court Order No. 21-8300-33, effective for all cases pending or filed on or after January 28, 2022.]