

**4-952. Petition to expunge arrest records and public records; upon release without conviction.**

[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-4 NMSA 1978**  
***(Upon Release without Conviction)***

Petitioner, [ ] unrepresented by counsel/[ ] represented by counsel (select one), under Section 29-3A-4 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. The following case(s) and record(s) are the subject of Petitioner's Petition to Expunge (*Include additional pages, if necessary*)

District Court case number(s): \_\_\_\_\_

Metropolitan/Magistrate/Municipal Court case number(s): \_\_\_\_\_

Law Enforcement Agency case number(s): \_\_\_\_\_

Arrest number(s): \_\_\_\_\_

5. Petitioner was released without conviction of the following charges: *(Complete for each offense that you are seeking to expunge. Include additional pages if necessary.)*

(1) Date of offense/arrest: \_\_\_\_\_

Name of offense and statute/ordinance number: \_\_\_\_\_

Final disposition of offense: *(check one)*  acquittal or finding of not guilty  nolle prosequi  no bill  referral to pre-prosecution diversion program  Order of Conditional Discharge under Section 31-20-13 (1994) NMSA 1978  other dismissal/discharge *(explain):* \_\_\_\_\_

Degree of offense, if known (e.g., misdemeanor, petty misdemeanor, etc.): \_\_\_\_\_

Date of final disposition: \_\_\_\_\_

*Check if additional pages attached.*

6.  Petitioner has no cases related to the charges sought to be expunged.

The following cases are related to the charges sought to be expunged:

*(Include case names and numbers for any cases that were joined either with a co-defendant or joined as the result of a plea.)*

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

7.  It has been one (1) year or more since the date of the final disposition of the charge(s) Petitioner seeks to expunge.

8.  There is no other charge or proceeding pending against Petitioner.

9. Petitioner asks this Court for an Order to Expunge arrest records and public records 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 that arrested Petitioner)*; \_\_\_\_\_

Metropolitan/Magistrate Court/Municipal Court in \_\_\_\_\_ *(location)*;

New Mexico State Police Investigations Bureau;

Other \_\_\_\_\_

10.  A copy of this Petition, when filed with the Court, will be mailed by first class United States mail to:

- (1) The District Attorney in the Third Judicial District  
(The District Attorney where Petitioner's charge originated)  
Office of the District Attorney, 845 N. Motel Boulevard, 2nd Floor, Suite D, Las Cruces, New Mexico 88007-8100

(Address)

- (2) The New Mexico Department of Public Safety  
P.O. Box 1628, Santa Fe, New Mexico 87504-1628

11. 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*)

12.  Petitioner has included Petitioner's State of New Mexico, Department of Public Safety Record and Prosecution (RAP) sheets, dated no later than ninety (90) days prior to the filing of the petition.

13. Petitioner has included the following additional documentation related to Petitioner's criminal history: (*Petitioner should attach the documentation detailing the sentences for the charges Petitioner is seeking to expunge. If there have been additional convictions, additional paperwork may be required.*)

- a. Docket sheet, arrest sheet, or other record detailing the offenses Petitioner is seeking to expunge;  
b. Documentation showing final disposition of the charges Petitioner is seeking to expunge;  
c. Other: \_\_\_\_\_  
(*list any other documentation provided with the petition.*)

14.  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.

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**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.]