

4-953. Petition to expunge arrest records and public records; upon 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-5 NMSA 1978
(Upon Conviction)**

Petitioner, [] unrepresented by counsel/[] represented by counsel (select one), under Section 29-3A-5 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

District Court case number(s): _____
Metropolitan/Magistrate/Municipal Court case number(s): _____
Law Enforcement Agency case number(s): _____
Arrest number(s): _____

5. Petitioner was convicted 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 and statute/ordinance number of offense: _____

Date sentence completed: _____

Date fines and fees paid: _____

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. There is currently no other charge(s) or proceeding(s) pending against Petitioner.

8. Petitioner has had no other criminal convictions (measured from the date of completion of a sentence for a conviction in any jurisdiction) for a period of:

Two years

Four years

Six years

Eight years

Ten years

9. Petitioner has paid all fines and fees and has fulfilled all victim restitution ordered for the charged Petitioner seeks to expunge.

10. Petitioner is not seeking to expunge convictions pertaining to any of the following:

- An offense committed against a child;
- An offense causing great bodily harm or death;
- A sex offense as defined in Section 29-11A-3 NMSA 1978;
- An offense for embezzlement under Section 30-16-8 NMSA 1978; or
- An offense involving driving while under the influence of intoxicating liquor or drugs.

11. Petitioner believes justice will be served by the Court granting the Petition and states the following in support: *(Explain why expungement is being sought, e.g., employment, licensure, housing, and any adverse consequences that have been suffered by Petitioner or will be suffered if the Petition is not granted. Attach additional pages if necessary.)*

Check if additional pages attached.

12. Petitioner asks this Court for an Order to Expunge arrest records and court records in the custody of the following below:

District Court in the Third Judicial District;

Dona Ana County Sheriff's Department;

New Mexico Department of Public Safety;

Law Enforcement Agency (*name of agency that arrested Petitioner*) _____
_____;

Metropolitan/Magistrate/Municipal Court in _____ (*location*);

New Mexico State Police Investigations Bureau;

Other: _____

13. 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*)

14. 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

(3) _____
(The law enforcement agency that arrested Petitioner)

(Address)

15. Petitioner has included copies of Petitioner’s FBI and DPS Record of Arrest and Prosecution (RAP) sheets, dated no later than ninety (90) days prior to the filing of the petition.
16. 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. Documentation showing completion of Petitioner’s sentences for the convictions Petitioner is seeking to expunge;
 - b. Documentation showing completion of sentences for any other convictions that Petitioner has served;
 - c. Documentation showing final payment of any fines and fees owed related to the convictions Petitioner is seeking to expunge;
 - d. Documentation showing completion of any victim restitution ordered as a result of the convictions Petitioner is seeking to expunge;
 - e. Other: _____
(list any other documentation provided with the petition).
17. 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.]