

Petition to Expunge (conviction)

INSTRUCTIONS AND ALL FORMS

If you do not have a lawyer, you must use the forms in this packet to start your case for Expungement

THIS PACKET IS NOT A SUBSTITUTE FOR PROFESSIONAL LEGAL ADVICE

Inside are fill-in-the-blank forms for Self-Represented Litigants. They do not deal with every situation. **Expungement** can be complicated and using legal forms without a lawyer's help can harm your legal rights. The Court assumes no responsibility and accepts no liability for actions taken by users of these documents, including reliance on their contents.

In this packet you will find...

- ✓ Steps to Filing your Petition for Expungement (conviction) (6 pages)
- ✓ Petition to Expunge New Mexico Arrest Records and Public Records (conviction) (5 pages)
- ✓ Certificate of Service (1 page)
- ✓ Petitioner's Cover Letter when Mailing Filed Petition to Expunge (1 page)
- ✓ Objection to Petition to Expunge (2 pages)
- ✓ Notice of Non-Objection (2 pages)
- ✓ Notice of Completion of Briefing (3 page)
- ✓ Affirmation in Support of Expungement (2 pages)
- ✓ Notice of Hearing (1 Page)
- ✓ Order on Petition to Expunge New Mexico Arrest Records and Public Records (conviction) (5 pages)

STEPS TO FILING YOUR PETITION TO EXPUNGE (CONVICTION)

Step 1: Gather all of your arrest and court records

- Even though you can only ask for expungement of records in the county where they originated, you will need to provide records of any other convictions, sentences, or pending charges from other counties in New Mexico or from other states or from federal or tribal jurisdictions including:
 - Any pending charges or arrests (municipal ordinance violations, misdemeanors, or felonies);
 - Any sentences that were served and documentation detailing the completion of those sentences.
- **Obtain your New Mexico Arrest Record from the Department of Public Safety ("DPS")**
 - Print a DPS "Authorization for Release of Information" form found online at: <https://www.dps.nm.gov/index.php/top-links-for-nm-residents/fingerprinting-andbackground-checks>.
 - Available in Spanish at: https://www.dps.nm.gov/templates/g5_hydrogen/custom/PDFs/FingerprintingBackgroundChecks/Authorization-for-Release-of-Info-in-Spanish.pdf
 - Complete and have your signature notarized.
- Mail the form with your original, notarized signature to DPS with \$15.00 (money order or cashier 's check only — no personal check) to:

Department of Public Safety
P.O. Box 1628
Santa Fe, NM 87504-1628
- **Obtain your Federal Arrest Record, or "RAP" sheet, from the FBI**
 - Follow the instructions online at either:
http://www.fbi.gov/services/cjis/identity-history_summary-checks or
<http://www.edo.cjis.gov/#/>
- **Obtain all of your criminal court records from any state, tribal or federal court**
 - For New Mexico courts, some records may be available online at: <http://www.nmcourts.gov>
 1. Click on **Find a Case** at the top right, enter your last name then first name (without a comma).
 2. Entering your birth date is helpful in case there is another person with the same name as you.

3. You will be able to view and print out information about your specific case(s).

- You will most likely need to contact the court(s) where your case was heard to get copies of court documents. The court(s) will charge to make copies.
- **For the arrest and court records you are seeking to expunge, make sure your records show:**
 - The date of your arrest
 - The date of the offense (may be the same as the arrest date)
 - The arrest number from your fingerprint card (if any)
 - The name of the crime(s) you are seeking to expunge
 - The statute or city ordinance number for the crime(s)
 - Whether the crime(s) is a municipal ordinance violation, misdemeanor or felony •
 - The court case number
 - The final disposition, verdict, sentence, etc.
 - The date of final disposition
 - The length of sentence, including any terms of probation and parole
 - Any fees or fines ordered
 - Any victim restitution ordered
 - Documentation detailing the date the sentence was completed, including completion of any term of probation or parole
 - Documentation showing you have paid all fees, fines or victim restitution owed.

Step 2: Prepare the *Petition to Expunge* to file in the District Court

- Your Petition to Expunge must be filed in the District Court in the county where the arrest took place even if your court case was in a municipal or magistrate court.
- You may request expungement of multiple court cases and arrest records in the Petition to Expunge.
- You are the "Petitioner." At the top left corner of the petition form, enter your full name as Petitioner in the In re space provided.
- A case number will be assigned to your Petition to Expunge by the court clerk when you file it at the District Court.

- Check the boxes that apply and fill in all the necessary information in the blanks. Be as specific as possible.
- In paragraph #8 of the Petition to Expunge, the time since your last conviction is counted from when you finished serving ANY sentence. Start counting time since you finished serving the sentence (including parole and probation) for the last criminal conviction you have ever had, whether it was in New Mexico or another state, federal or tribal court.
- Attach all relevant documents relating to the arrest records and public records you are seeking to expunge. The District Court does not need every document related to the arrest or court case. However, the documents provided must support what you state in your Petition to Expunge.
- One relevant document is the Judgment and Sentence or other court paperwork showing the convictions and sentences you are seeking to expunge.
- Sign the Petition. Your signature is an affirmation that all of the information contained in the petition is accurate to the best of your knowledge.

Step 3: File the *Petition to* in the District Court

- It costs \$132.00 to file your Petition to Expunge. The District Court can accept cash, cashier's check or money order only. No checks, debit cards or credit cards are accepted.
- If you are indigent and unable to pay the filing fee, you may apply for "free process." An application for free process is available at the Court or on the Court's website at <https://eleventhdistrictcourt.nmcourts.gov>. Complete this form and provide the necessary paperwork. Your application will be reviewed and you will be told whether or not you qualify for free process. If you are granted free process, you are not required to pay the filing fee.
- Once your Petition to Expunge is filed, make a copy of the filed petition with all attachments for your records. You will also need several copies of the filed Petition to Expunge — without all of the attachments. (The court clerk can make copies for \$0.35 per page paid by cash, cashier's check or money order only. No checks, debit cards or credit cards are accepted. You can also make your own copies elsewhere.)

Step 4: Mail copies of the filed *Petition to Expunge* with all attachments, to each agency named in the petition

- Mail to EACH agency named in the petition via first class United States mail, the following DOCUMENTS:
 - Petitioner's Cover Letter (included in this packet)
 - A copy of the filed Petition to Expunge (release without conviction) AND all the papers you attached to the petition.

- Notice of Objection to Petition to Expunge New Mexico Arrest Records and Public Records. One copy of this form is included in this packet. Make additional copies as necessary in order to mail a form to EACH agency named in the petition. Each agency named in your Petition to Expunge must be allowed an opportunity to object to expungement.
- Notice of Non-Objection to Petition to Expunge New Mexico Arrest Records and Public Records. One copy of this form is included in this packet. Make additional copies as necessary in order to mail a form to EACH agency named in the petition

Send all these documents to:

1. Office of the San Juan County District Attorney
335 S. Miller Ave.
Farmington, NM 87401-4205
2. New Mexico Department of Public Safety
P.O. -Box 1628
Santa Fe, NM 87504-1628
3. The law enforcement agency that arrested you
In the Eleventh Judicial District in San Juan County, the following are the addresses for some of the agencies that might have been involved. There may be other agencies named in your petition not listed here.
 - San Juan County Sheriffs Office
211 S. Oliver Dr.
Aztec, NM 87410
 - Farmington Police Department
800 Municipal Dr.
Farmington, NM 87401
 - Aztec Police Department
201 W. Chaco
Aztec, NM 87410
 - Bloomfield Police Department
71 1 Ruth Lane
Bloomfield, NM 87413
 - New Mexico State Police
1025 W. Navajo
Farmington, NM 87401

Step 5: Go to the courthouse

- File the Petitioner's Certificate of Mailing. No additional payment will be required.

Step 6: Wait 63 days

- The parties you notified have 63 days from the date you mailed them your documents, to file either an Objection or a Notice of No Objection.
- They should send you copies of anything they file with the Court, just as you did with them.

Step 7: Prepare the *Notice of Completion of Briefing and Affirmation in Support of Expungement* to file in the District Court

- At the top left corner of the *Notice of Completion of Briefing* form, enter your full name as Petitioner in the In re space provided and fill in your case number.
- Check all the appropriate boxes and fill out the information at the bottom.
- At the top left corner of the *Affirmation* form, enter your full name as Petitioner in the In re space provided and fill in your case number.
- Check the boxes that apply and fill in all the necessary information in the blanks. Be as specific as possible.
- If you have pending criminal charges, you must list them here. If you did not list them in the *Petition*, the agencies you serve may have an additional 20 days to file objections to your petition.
- Sign the Affirmation. Your signature is an affirmation that all of the information you are providing the court is accurate to the best of your knowledge.
- Attach the *Affirmation* to the *Notice of Completion of Briefing*
- Fill in your name on the Notice of Hearing, as well as the names and addresses of all the organizations who filed objections to your petition. If an entity filed a Notice of Non-Objection, they do not need to be notified of the hearing.
- Prepare a Self-Addressed Stamped envelope (The Court will send your Notice of Hearing to you in this envelope.)

Step 8: Go to the Courthouse to file your documents

- You will file the Completion of Briefing Notice with the Court when 63 days have passed since you mailed copies of the complaint to the three agencies.
- No additional fee will be required.
- Give to the clerk:
 - *Notice of Completion of Briefing with Affirmation in Support of Expungement* attached

- *Notice of Hearing*
- Self Address Stamped Envelope
- The Court will now set a hearing

Step 9: The hearing

Be prepared for your hearing!

- Show up early for your hearing. More than one case may be scheduled at the same time.
- During the hearing, you may be asked questions about your Petition to Expunge and any objections to your Petition that may have been filed.
- The agencies may object to the expungement and may be present at the hearing.
- If you did not know that an agency objected or was going to object to your Petition, tell the Judge. Ask that you be provided with the reasons for the objections. The Judge may set another hearing. If so, the court will mail you a notice of hearing telling you when it will take place. You must go to the hearing.
- Bring the *Order on Petition to Expunge* for the Court's use

Step 10: After the hearing

After the hearing, the district court will either grant or deny the petition.

- The court has 60 days from the hearing to file a written order granting or denying the petition.
- The court may grant or deny the petition on the day of the hearing.
- If granted, the order will set forth the time period in which the records must be expunged.
- If denied, the matter will be closed.
- You may appeal the denial of your petition to the Court of Appeals.
- You might consider following up with all agencies to make certain that your expungement has taken effect.

STATE OF NEW MEXICO
COUNTY OF SAN JUAN
ELEVENTH JUDICIAL DISTRICT COURT

In re _____,
Petitioner. No. D-1116-EX-_____

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

3. Petitioner has never applied for expungement and been denied.
 Petitioner has applied for expungement and 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 or more years

9. *[] Petitioner has paid all fines and fees and has fulfilled all victim restitution ordered for the charges 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 Eleventh Judicial District;
 San Juan County Sheriff's Department;
 District Attorney for the Eleventh Judicial District;
 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 Eleventh Judicial District
 Metropolitan Court in _____ (location)
 Magistrate Court in _____ (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 Eleventh Judicial District
335 S Miller Ave, Farmington, NM 87401

(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. 21-8300-033, effective for all cases pending or filed on or after January 28, 2022.]

STATE OF NEW MEXICO
COUNTY OF SAN JUAN
ELEVENTH JUDICIAL DISTRICT COURT

In re _____,
Petitioner. No.D-1116-EX-_____

CERTIFICATE OF SERVICE
(Required for Petitions filed under Section 29-3A-5 NMSA 1978
(Expungement of Records upon Conviction))

I hereby certify that on the _____ (day) of _____ (month) _____ (year), an endorsed copy of the Petition to Expunge New Mexico Arrest Records and Public Records under Section 29-3A-5 NMSA 1978, filed on _____ (date), and this Certificate of Service were mailed via first-class United States mail to:

- The New Mexico Department of Public Safety
P.O. Box 1628, Santa Fe, New Mexico 87504-1628
- The district attorney in the Eleventh Judicial District
335 S Miller Ave, Farmington, NM 87401
- The law enforcement agency that arrested Petitioner

(Address)

Petitioner is pro se **OR** Petitioner is represented by counsel

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

Petitioner Printed Name

Attorney Printed Name

Petitioner Address

Attorney Address

Petitioner Telephone Number

Attorney Telephone Number

Petitioner Signature

Attorney Signature

Date of Signature

Date of Signature

USE NOTES

This certificate of service must be filed with the district court.

[Provisionally adopted by Supreme Court Order No. 21-8300-033, effective for all cases filed or pending on or after January 28, 2022.]

PETITIONER'S COVER LETTER WHEN MAILING FILED PETITION TO EXPUNGE

Greetings:

As required by the Criminal Record Expungement Act, NMSA 1978 Sections 29-3A-1 to 29-3A-7 (2019), this is to provide you with a filed copy of my Petition to Expunge which is attached.

You are receiving this copy because you are one of the below:

- _____
- _____
- _____
- _____
- _____
- _____

I am asking the District Court for a hearing. Sections 29-3A-4 and 29-3A-5 require that you be given an opportunity to provide to the District Court any objections to the Petition. If you wish to object to my Petition, you may file the attached form with the Court, and provide me with a copy. If you do not wish to object, please file the Notice of Non-Objection with the Court.

The Court will send you notice of the hearing.

Printed name of Petitioner

Signature of Petitioner

Date of signature

STATE OF NEW MEXICO
COUNTY OF SAN JUAN
ELEVENTH JUDICIAL DISTRICT COURT

In re _____,
Petitioner. No.D-1116-EX-_____

OBJECTION TO PETITION TO EXPUNGE ARREST RECORDS AND PUBLIC RECORDS

**(Applicable to Petitions filed under Section 29-3A-4 NMSA 1978
(Upon Release without Conviction) and Section 29-3A-5 NMSA 1978
(Upon Conviction))**

_____ (name and agency), under Sections 29-3A-4 to -5 NMSA 1978, having received notice of the Petition by first class mail, objects to Petitioner's Petition to Expunge Arrest Records and Public Records, which was filed on _____, and respectfully asks this Court to deny the Petition on the following grounds:

[] Check if additional pages attached

[] If this Objection relates to a petition filed under Section 29-3A-4 NMSA 1978 (upon release without conviction) and is based on the contents of Petitioner's FBI Record of Arrest and Prosecution (RAP) sheet, a copy of the FBI RAP sheet will be provided along with this Objection to Petitioner at no cost to Petitioner.

[] I, _____ (name), on behalf of _____ (insert agency name) wish to attend any hearings in this matter by telephonic or other electronic means as provided for in Rule 1-077.1(J) NMRA.

Date

Printed Name

Signature

Agency (if applicable)

Mailing Address

Telephone Number

Email

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the _____ (day) of _____ (month) _____ (year), I caused a copy of the foregoing to be served on Petitioner and all Parties entitled to notice of the Petition via first-class United States mail.

Printed Name

Agency (if applicable)

Address

Telephone Number

Signature

[Provisionally adopted by Supreme Court Order No. 21-8300-033, effective for all cases filed or pending on or after January 28, 2022.]

STATE OF NEW MEXICO
COUNTY OF SAN JUAN
ELEVENTH JUDICIAL DISTRICT COURT

In re _____,
Petitioner. No.D-1116-EX-_____

**NOTICE OF NON-OBJECTION TO PETITION TO EXPUNGE ARREST RECORDS
AND PUBLIC RECORDS**

**(Applicable to Petitions filed under Section 29-3A-4 NMSA 1978 (Upon Release
without Conviction) and Section 29-3A-5 NMSA 1978 (Upon Conviction))**

_____ (name and agency), under Sections 29-3A-4 to -5 NMSA
1978, having received notice of the Petition by first class United States mail, gives this
notice that it has no objection to the relief requested in the Petitioner's Petition to
Expunge Arrest Records and Public Records, which was filed on _____.

Date

Printed Name

Signature

Agency

Mailing Address

Telephone Number

Email

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the _____ (day) of _____ (month) _____ (year), I
caused a copy of the foregoing to be served on Petitioner and all Parties entitled to
notice of the Petition via first-class United States mail.

Printed Name

Agency

Address

Telephone Number

Signature

[Provisionally adopted by Supreme Court Order No. 21-8300-033, effective for all cases filed or pending on or after January 28, 2022.]

STATE OF NEW MEXICO
COUNTY OF SAN JUAN
ELEVENTH JUDICIAL DISTRICT COURT

In re _____,
Petitioner. No.D-1116-EX-_____

NOTICE OF COMPLETION OF BRIEFING
**(for use with petitions filed under Section 29-3A-5 NMSA 1978 (Expungement of
Records upon Conviction))**

Petitioner hereby notifies the Court, in accordance with Rule 1-077.1(H) NMRA, that briefing is complete as to Petitioner's Petition to Expunge Arrest Records and Public Records and the Petition is ready for decision. Petitioner further states:

Notice of the Petition has been provided via first-class United States mail to:

- The District Attorney in the Eleventh Judicial District;
- The New Mexico Department of Public Safety;
- The law enforcement agency that arrested Petitioner.

At least sixty-three (63) days have passed since Petitioner mailed the Petition to the parties entitled to notice.

The District Attorney:

- Has filed a Notice of Non-Objection; or
- Has filed an objection.

The New Mexico Department of Public Safety:

- Has filed a Notice of Non-Objection; or
- Has filed an objection.

The law enforcement agency that arrested Petitioner:

- Has filed a Notice of Non-Objection; or
- Has filed an objection.

Petitioner has included an Affirmation in Support of Expungement (Form 4-960.3 NMRA) with this Notice of Completion of Briefing.

Printed name of Petitioner

Signature of Petitioner

Mailing Address

Telephone Number

Date

Attorney Name (if applicable)

Attorney Signature

Mailing Address

Telephone Number

Email

CERTIFICATE OF SERVICE

I hereby certify that on this _____ day of _____, _____ this Notice of Completion of Briefing was served by United States first class mail on the following:

The District Attorney in the Eleventh Judicial District
335 S Miller Ave, Farmington, NM 87401
(505) 599-9810

AND

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

(The law enforcement agency that arrested Petitioner)

(Address)

(Telephone)

Signature of person sending paper

Date of signature

[Provisionally adopted by Supreme Court Order No. 21-8300-033, effective for all cases filed or pending on or after January 28, 2022.]

STATE OF NEW MEXICO
COUNTY OF SAN JUAN
ELEVENTH JUDICIAL DISTRICT COURT

In re _____,
Petitioner. No.D-1116-EX-_____

AFFIRMATION IN SUPPORT OF EXPUNGEMENT
(Upon Conviction)

I, _____, (Petitioner name), am requesting the expungement of records under Section 29-3A-5 (2019) NMSA 1978 (Expungement of Records upon Release upon Conviction), and hereby affirm the following:

1. No charge or criminal proceeding is pending against me in any state or federal court in the United States.

OR

The following charge(s) or criminal proceeding(s) are pending against me in New Mexico state court:

The following charge(s) or criminal proceeding(s) are pending against me in another state court:

The following charge(s) or criminal proceeding(s) are pending against me in federal court:

AND

2. I have had no criminal convictions against me in the last ten (10) years.

OR

The most recent criminal conviction against me was: (Provide date of conviction, jurisdiction, case number, offense of conviction, and the date you finished serving your sentence for the conviction)

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

(Petitioner Signature)

(Print Name)

*Street Address
Code*

City

State

Zip

(Telephone)

[Provisionally adopted by Supreme Court Order No. 21-8300-033, effective for all cases filed or pending on or after January 28, 2022.]

STATE OF NEW MEXICO
COUNTY OF MCKINLEY
ELEVENTH JUDICIAL DISTRICT COURT

In re _____,
Petitioner. No.D-1113-EX-_____

4-960.1. Notice of hearing.

NOTICE OF HEARING

Petitioner may be entitled to expungement of arrest records or public records under the Criminal Record Expungement Act, Sections 29-3A-1 to -9 NMSA 1978. A hearing in this matter is set before the Honorable _____ as follows:

1. Date of Hearing: _____
2. Time of Hearing: _____
3. Length of Hearing: _____
4. Place of Hearing: _____

5. Matter(s) to be heard: _____

HONORABLE _____
By _____
TCAA

PARTIES ENTITLED TO NOTICE:

Petitioner Name

Petitioner Address

Petitioner Telephone Number

Petitioner Email Address

Name

Agency (if applicable)

Address

Telephone Number

Email Address

Name

Agency (if applicable)

Address

Telephone Number

Email Address

Name

Agency (if applicable)

Address

Telephone Number

Email Address

Name

Agency (if applicable)

Address

Telephone Number

Email Address

USE NOTES

For the purpose of this form, the parties entitled to notice include the petitioner and any party that filed and served objections to the petition for expungement pursuant to Rule [1-077.1\(G\)\(1\)](#) NMRA no later than sixty-three (63) days from the date of service. See Rule [1-077.1\(G\)\(1\)](#) (providing sixty (60) days for a party entitled to notice to file an objection); Rule [1-077.1\(E\)\(3\)](#) NMRA (providing for service by mail for actions filed pursuant to Rule [1-077.1](#)); Rule [1-006\(C\)](#) (providing for three (3) additional days where service is made by mail).

[Provisionally adopted by Supreme Court Order No. 21-8300-033, effective for all cases filed or pending on or after January 28, 2022.]

STATE OF NEW MEXICO
COUNTY OF SAN JUAN
ELEVENTH JUDICIAL DISTRICT COURT

In re _____,
Petitioner. No. D-1116-EX-_____

ORDER ON PETITION TO EXPUNGE NEW MEXICO
ARREST RECORDS AND PUBLIC RECORDS
(Conviction)

THIS MATTER came before the Court on Petitioner's Petition for Request for Automatic Expungement pursuant to the Criminal Record Expungement Act, NMSA 1978 Sections 29-3A-8(2021). The Court, having reviewed the Petition with attachments, other papers filed in this case, and having considered any objections, now FINDS as follows:

1. Petitioner seeks to expunge New Mexico arrest records and public records of convictions in:

Name of Court:_____

Court case name:_____

Court case number:_____

Name of arresting law enforcement agency:_____

Law enforcement agency case number:

_____ Arrest number from fingerprint card:

2. Venue is proper in this Court OR Venue is improper in this Court because the charges Petitioner seeks to expunge did not originate in this County.

3. Agencies named in the Petition received copies of the filed Petition to Expunge New Mexico Arrest Records and Public Records as evidenced by return receipts provided to this Court OR Petitioner presented no proof that agencies named in the Petition received copies of the filed Petition to Expunge New Mexico Arrest Records and Public Records.

4. A hearing was convened in this Court on(date)_____.

5. Agencies named in the Petition received notice of the hearing convened in this Court

6. Petitioner has no other pending arrest or criminal charges OR Other criminal charges are currently pending against Petitioner in _____
(name of court or arresting law enforcement agency)

7. Victim restitution, if any, has been paid OR There is insufficient evidence that victim restitution has been paid.

8. Fines and fees for the convictions sought to be expunged have been paid OR There is insufficient evidence that fines and fees have been paid

9. Petitioner has had no other criminal convictions for the immediate past (measured since Petitioner finished serving the sentence-including parole and probation-for the last criminal conviction Petitioner ever had, whether it was in New Mexico, or another state, federal or tribal court):

- Two years
- Four years
- Six years
- Eight years
- Ten or more years

10. The Petition to Expunge New Mexico Arrest Records and Public Records relates to:

a conviction for a violation of a municipal ordinance or a misdemeanor not otherwise described in this list, requiring a waiting period of two years.

a misdemeanor conviction for aggravated battery as provided in NMSA 1978, Section 30-3-5(B) or to a conviction for a 4th degree felony not otherwise described in this list, requiring a waiting period of four years.

a conviction for a 3rd degree felony not otherwise described in this list, requiring a waiting period of six years.

a conviction for a 2nd degree felony not otherwise described in this list, requiring a waiting period of eight years.

a conviction for a 1st degree felony or for any offense provided in the Crimes Against Household Member Act, NMSA 1978, Section 30-3-10 to -18 (2007), requiring a waiting period of ten years.

This Court CONCLUDES:

1. Taking into consideration the evidence presented as to the nature of the arrest records and convictions sought to be expunged; Petitioner's age, criminal and employment history; the length of time that has passed since the offense was committed and sentence completed; the specific consequences to Petitioner if the Petition is denied and any reasons there may be to deny the petition, and more specifically:

Justice will be served by granting the Petition in whole or in part

OR

Justice will not be served by granting the Petition.

IT IS THEREFORE HEREBY ADJUDGED, ORDERED AND DECREED that, as to the arrest records and public records of convictions in the court case identified in the Petition and in Finding of Fact #1 of this Order:

1. Petitioner's Petition is summarily denied WITHOUT PREJUDICE.
2. Petitioner's Petition is DENIED on the merits as to all convictions sought to be expunged.
3. Petitioner's Petition is DENIED on the merits as to the following convictions sought to be expunged. These convictions are not expunged:

Name of offense: _____

Statute/ordinance number of offense: _____

Name of offense: _____

Statute/ordinance number of offense: _____

Name of offense: _____

Statute/ordinance number of offense: _____

4. Petitioner's Petition is GRANTED on the merits as to the following convictions sought to be expunged. These convictions are expunged:

Name of offense: _____

Statute/ordinance number of offense: _____

Name of offense: _____

Statute/ordinance number of offense: _____

Name of offense: _____

Statute/ordinance number of offense: _____

5. Petitioner's Petition is GRANTED on the merits as to all convictions sought to be expunged.

IT IS SO ORDERED. (District Court Judge's signature appears below)

IT IS THEREFORE THE FURTHER ORDER OF THE COURT that:

1. All arrest records and public records held by any New Mexico state or local governmental entity, whether executive, legislative or judicial, related to the convictions identified above as expunged are hereby expunged.

2. With the following exception, all New Mexico state or local governmental entities may properly reply to an inquiry from the public concerning the expunged records that "no such records exist with respect to" the Petitioner. They shall not release copies of any expunged records to any person except upon order of this Court.

3. Exception to expungement: New Mexico state or local governmental entities shall disclose arrest and conviction records in response to a public query regarding Petitioner's qualification for employment or association with any regulated financial institution or the securities and exchange commission.

4. The Court shall cause a copy of this Order to be delivered to:

a) Office of the San Juan County District Attorney 335 S. Miller Ave.
Farmington, NM 87401-4205

b) New Mexico Department of Public Safety

P.O. Box 1628

Santa Fe, NM 87504-1628

c) Name and address of arresting law enforcement agency:

d) Name and address of the court where convictions were prosecuted

5. The above New Mexico governmental entities shall expunge the necessary records within _____ days of the date of this Order.

6. Petitioner is responsible for delivering a copy of this Order to any other New Mexico state or local governmental entity, whether executive, legislative or judicial that may hold records that have hereby been expunged.

Date

District Court Judge