

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 _____
_____ 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 _____ Judicial District.
[] Petitioner has the following pending expungement case or cases in the _____
Judicial District (*provide expungement case numbers for any expungement cases that may be
currently pending before the _____ 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

(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 for the following charges: (*Complete for each charge sought to be expunged. Include additional pages if necessary.*)

(1) Date of 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 _____ Judicial District;
 _____ County Sheriff's Department;
 District Attorney for the _____ 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 _____

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 _____ Judicial District
(The District Attorney in the Judicial District where Petitioner's charge originated)

(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 _____ Judicial District
 Metropolitan Court in _____ (*location*)
 Magistrate Court in _____ (*location*)
 Municipal Court in _____ (*location*)

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

13. Petitioner has also included the following documentation related to Petitioner's criminal history:

- 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.

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 filed or pending on or after January 28, 2022.]