

Step 2:

Fill Out Your Pro se
Expungement Petition Form


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NOTE: This form can be found at <https://clearmyrecordmo.org/pro-se-information/>

On the first page, at the top, fill in the judicial circuit number and the name of the county where you are filing your petition. You MUST file in the same county that you were originally convicted in. You must file in CIRCUIT court (as opposed to Municipal Court) of that county.

For example, if you were convicted of drug possession in Jackson County (Circuit or Muni), you will file for expungement in the 16th Judicial Circuit of Jackson County.

If you don't know the judicial circuit number of your county, ask the circuit clerk, they will know. If you don't know the difference between circuit and municipal, ask the court clerk, they will know.

	IN THE <u> # </u> JUDICIAL CIRCUIT, <u> County of Conviction </u> COUNTY, MISSOURI
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Next, write in your name where it says Petitioner. Leave Judge or Division and the Case Number BLANK.

Judge or Division Leave blank!	Case Number: Leave blank!	
Petitioner: YOUR NAME HERE		vs. _____ (Date File Stamp)

Next, you will need to identify the Respondents in your case for expungement and check the corresponding boxes. Your Respondents will likely consist of state and local agencies. This is a **CRUCIAL** step, so first let's go over some background information on how a Petition for Expungement exactly works to help you better understand.

Defendant(s): (select or list all of the agencies you believe may have records of each of the convictions you seek to expunge, attach additional sheets as necessary)	
<input type="checkbox"/> Circuit Court Division _____	<input type="checkbox"/> _____ County Sheriff's Dept.
<input type="checkbox"/> Municipal Division, City of _____	<input type="checkbox"/> _____ Municipal Police Dept.
<input type="checkbox"/> Missouri State Highway Patrol (MSHP) Criminal Justice Information Services (CJIS) Division	<input type="checkbox"/> Other (include name and address of agency) _____
<input type="checkbox"/> Prosecuting Attorney(s) / Circuit Attorney(s) (include name of county) County _____	_____
<input type="checkbox"/> Missouri Department of Revenue	_____

A Petition for Expungement is a lawsuit that's directed at the state and local agencies who are holding and reporting official copies of your criminal records you want expunged. The petition essentially seeks to force those agencies to close your records and stop reporting them.

That means in order to get a meaningful expungement, each state or local agency holding an official copy of your record must be ordered by a court to expunge the copy of your record they hold. Those state and local agencies will only expunge your record if they are named as a Respondent (also called a Respondent) in your case for expungement. Therefore, it is better to over-include agencies than under-include when listing your Respondents.

How do you know which agencies have an official copy of record? The state agencies that hold official copies of your criminal record will typically include:

1. Missouri State Highway Patrol Records Repository
 - ALWAYS INCLUDE
 - This agency is the state of Missouri's central place for storing all the state's criminal records.
2. The Arresting/Citing Agency - a.k.a. The Law Enforcement Agency that Arrested or Cited You.
 - ALWAYS INCLUDE
 - If you are unsure which law enforcement agency arrested or cited you, try to remember what city you were arrested/cited in. The Law Enforcement agency is likely to be that city's Police Department or that county's Sheriff's Department.
 - For example, if you were arrested in downtown Kansas City, Missouri, the arresting agency is most likely either the Kansas City Police Department or the Jackson County Sheriff's Office .
3. The Prosecuting Agency - a.k.a. the Prosecutor's Office that Prosecuted You.
 - ALWAYS INCLUDE
 - If you are unsure, try to remember what city you were prosecuted in. Like the arresting agency it will either be the City's prosecutor (if in Municipal Court) or the County's prosecutor (If in Circuit Court, and in some Muni Courts).
 - If the offense was minor, such as an ordinance violation or a traffic violation, it is more likely to be the City's prosecutor.
 - The more serious the offense, the more likely it was the county prosecutor.
 - For example, the offense of Distribution of a Controlled Substance is always going to have the County Prosecutor as a Respondent. On the other hand, minor offenses, like traffic violations, will most often have the city prosecutor as a Respondent.
4. The Convicting Agency - a.k.a. The Court You Were Convicted In.
 - ALWAYS INCLUDE
 - If you are unsure, try to remember what city you were convicted in. Like the arresting agency and the prosecuting agency, the convicting court will either be the city's municipal court or the county's circuit court. Like the prosecuting agency, the more serious the offense, the more likely it was the County's Circuit Court.

- For example, if you were convicted of Distribution of a Controlled Substance in Kansas City, Missouri, you were convicted in the county's Circuit court, which is the Jackson County Circuit Court.
 - But if you were convicted of a minor offense, such as a traffic violation, in Kansas City, Missouri, you were likely convicted in the city's Municipal court, which is the Kansas City Missouri Municipal Court.
5. Missouri Department of Corrections
- USUALLY INCLUDE
 - If you were sentenced to probation or incarceration, the Missouri Department of Corrections is a necessary Respondent.
6. Missouri Department of Revenue
- Only serve this agency if one or more of your offenses involved the operation of a motor vehicle. For example, if you are seeking to expunge a speeding ticket, you will need to include the Missouri Department of Revenue as a Respondent.

For example, if you were seeking the expungement of a Distribution of a Controlled Substance conviction AND a Speeding conviction that both occurred in Kansas City, Missouri and both involved an arrest by the Kansas City Police Department, your Petition's Respondents would likely look something like this:

Defendant(s): (select or list all of the agencies you believe may have records of each of the convictions you seek to expunge, attach additional sheets as necessary)	
<input checked="" type="checkbox"/> Circuit Court Division <u>Jackson County</u>	<input type="checkbox"/> _____ County Sheriff's Dept.
<input checked="" type="checkbox"/> Municipal Division, City of <u>Kansas City, Missouri</u>	<input checked="" type="checkbox"/> <u>Kansas City Missouri</u> Municipal Police Dept
<input checked="" type="checkbox"/> Missouri State Highway Patrol (MSHP) Criminal Justice Information Services (CJIS) Division	<input checked="" type="checkbox"/> Other (include name and address of agency)
<input checked="" type="checkbox"/> Prosecuting Attorney(s) / Circuit Attorney(s) (include name of county) County <u>Jackson County Prosecutor AND Kansas City Prosecutor</u>	<u>Missouri Department of Corrections</u> 2729 Plaza Drive Jefferson City, MO 65101
<input checked="" type="checkbox"/> Missouri Department of Revenue	

Next, read items 1-7 to confirm that you are eligible for expungement and can swear to the state your first

Petition for Expungement – Section 610.140, RSMo.

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the n , provide

Pursuant to section 610.140, RSMo, I request that the court issue an order to expunge my record of arrest, plea, trial, or conviction(s), for the criminal case(s) identified below.

All of the convictions listed below occurred and were prosecuted within the state of Missouri. I am filing this petition in the county where the conviction(s) was charged or I was found guilty.

I hereby swear:

1. That the appropriate amount of time has lapsed since the arrest and/or completion of the authorized disposition imposed for each offense that I am asking to have expunged; it has been at least three years for any felony offense or at least one year for any misdemeanor, infraction, or ordinance violation;
2. I have not been found guilty of any other misdemeanor or felony, not including violations of the traffic regulations provided under chapters 301, 302, 303, 304 and 307, RSMo, during the time period specified for the underlying offense, violation, or infraction in section 610.140.5.1, RSMo;
3. I have satisfied all obligations relating to any such disposition, including the payment of any fines or restitution;
4. I do not have any charges pending;
5. My habits and conduct demonstrate that I am not a threat to the public safety of the state;
6. I have not previously been granted an expungement or I have previously been granted an expungement (list court and case number, _____); and
7. The expungement is consistent with the public welfare and the interests of justice warrant the expungement.

I have reason to believe the agencies named above as defendants may possess records subject to expungement. The court's order of expungement shall not affect any person or entity not named as a defendant in the action. I understand that if I do not meet all the criteria for any of the offenses listed for expungement or knowingly provide false information, the petition will be dismissed by the court and I may not refile another petition until a year has passed since the date of filing this petition.

Next, fill in your personal information. If you do not have a driver's license, put 'N/A'.

Full Name:	Sex: <input type="checkbox"/> M <input type="checkbox"/> F	Race:	Date of Birth:
Current Address:	Driver License No./Issuing State/Exp. Date:		

Next, on the second page, fill in the required information about the offense(s) you want to have expunged. Remember the Lifetime Limit Rule and its exceptions when filling this part out. The information you will need includes:

1. Your case number
2. The Name of the Convicting Court
3. The approximate date you were charged
4. The county or the municipality of your charge
5. The offense name/description

Please provide the following information for the arrest, plea, trial or conviction(s) to be expunged. Attach additional sheets as necessary.

Case Number	Court Name	Approx. Date of Charge	County/Municipality of Charge	Description of Charge

If you do not know all the specific information about your offense, you may be able to find it by looking up your case information using Missouri Case Net. The following page will show you how to do that.

Step 2.1

To locate information about your Missouri criminal case(s) on Case Net, follow the sub-steps A-F below:

A. Go to www.courts.mo.gov

B. Click 'Search for a Case'



C. Click Litigant Name Search



D. Then enter your last name and your first name and click 'Find'.

- **Tip:** If your search yields too many results, go back, and additionally enter your middle name/initial, the year the case was filed, and/or the convicting court--if known.
- **Tip:** If your case does not appear in the search results, make sure the name you entered is correctly spelled and is the name you had at the time of your conviction. If you have had different names throughout your life, be sure to search all variations of your name.
- **Tip:** Not all cases will appear in the search results. This does not mean your case is gone, nor does it mean your case won't show up on background checks. If your case does not appear in the results, call the convicting court, and request your records.

E. Find the entry for the case you want to expunge.

- **Tip:** Many criminal cases will have two nearly identical case listings/case numbers in the search results; one will often be distinguished by the case number ending in -01. For the purposes of expungement, provide the court only with the case number ending in -01. Put this case number on the second page of your petition. **DO NOT PUT ANYTHING IN THE CASE NUMBER FIELD ON THE FIRST PAGE.**
- **Tip:** If you are unsure if it's the correct case, click the case number. Then click the **Parties & Attorneys** tab to see if the party's address and/or birth year match yours. Also click the **Charges, Judgments & Sentences** tab to confirm it is the case with the offense(s) you want expunged.

F. Once you have found the correct entry for the case you want to expunge, write down the following information to put on the second page of the Pro Se Expungement Petition Form:

- **The Case Number**
If there are two nearly identical numbers, use the one ending in -01.
- **Name of the Convicting Court**
County + 'Circuit Court' **OR**
City + 'Municipal Court'
If your case was a felony or misdemeanor, it was most likely charged in a *County* Circuit Court. If your offense was an infraction or ordinance violation, it was most likely charged in a *City* Municipal Court.
- **The Approximate Date you were Charged**
Use the filing date of the case.
- **The County or Municipality of your Charge**
- **The Offense Name/Description**
Look for under the **Charges, Judgments & Sentences** tab to find the description/name of your offense.

BRADY, MARSHA

Case Type: Criminal/Infract. – see Charges	Circuit: Circuit 16
Case Number: 1234CR12345678	Party Type: Defendant
Address on File: KANSAS CITY MO	Filing Date: 09/09/1999
County: Jackson County	Style of Case: ST V MARSHA BRADY
Location: Kansas City Criminal/Traffic	Ocn:

Case Type: Criminal/Infract. – see Charges	Circuit: Circuit 16
Case Number: 1234CR12345678-01	Party Type: Defendant
Address on File: KANSAS CITY MO	Filing Date: 12/31/1999
County: Jackson County	Style of Case: ST V MARSHA BRADY
Location: Kansas City Criminal/Traffic	Ocn:

1234-CR12345678-01 STATE V. MARSHA BRADY

Case Number	Parties & Attorneys	Docket Entries	Charges, Judgments & Sentences	Service Information	Filings Due	Scheduled Hearings & Trials	Case Judgment
Charge/Judgment							
Description: Possession of a Controlled Substance {Felony C RSMo: 579.015}			Dispositi				
Date: 12/31/1999			Code: 01234567890				

Using the information we found on Case Net, lets fill in the petition.

Please provide the following information for the arrest, plea, trial or conviction(s) to be expunged. Attach additional sheets as necessary

Case Number	Court Name	Approx. Date of Charge	County/Municipality of Charge	Description of Charge
1234CR12345678-01	Jackson County Circuit Court –16 th	12/31/1999	Jackson County	Possession of a Controlled Substance

Step 2.2

If your case does not show up, that does **not** mean your record does not exist.

If you cannot locate your case information on Missouri Case Net, try the following:

- Call the clerk of the court you were convicted in and ask if they can send you a copy of your record.
 - For example, the Jackson County Circuit Clerk – KC Office can be called at 816-881-3934.
- Get a Missouri State Highway Patrol Fingerprint Report.
 - Go to www.machs.mo.gov
 - Click blue box to register for ‘Fingerprint Portal’
 - Enter ‘9999’ when asked for 4-digit Registration Number
 - Enter in your personal information and Complete Registration
 - You will be redirected to the Identogo website.
 - Confirm your information and then click the green button on the left that says ‘Register for Digital Fingerprinting Services’
 - Enter your zip code and schedule an appointment.
 - Go to your appointment and get fingerprinted.
 - Wait for your results to be mailed to you.
 - Your results should provide you with the relevant case information you need.

Last but certainly not least, sign your name to the petition. Recognize that by signing your name, you are doing so under the penalty of perjury.

I declare under penalty of perjury that the statements made herein are true and correct to the best of my knowledge, information, and belief.

Your Signature

Petitioner's Signature