

1 **4-952. Petition to expunge arrest records and public records; upon release without**
2 **conviction.**

3
4 [For use with District Court Rule 1-077.1 NMRA]

5
6 STATE OF NEW MEXICO
7 COUNTY OF _____
8 _____ JUDICIAL DISTRICT COURT
9

10
11
12 In re _____, No.
13
14 _____
15 Petitioner.
16

17 **PETITION TO EXPUNGE ARREST RECORDS AND PUBLIC RECORDS UNDER**
18 **NMSA 1978, SECTION 29-3A-4 [~~NMSA 1978~~]**
19 ***(Upon Release without Conviction)***
20

21 Petitioner, [] unrepresented by counsel/[] represented by counsel (*select one*), under NMSA 1978,
22 Section 29-3A-4 [~~NMSA 1978~~], respectfully moves the Court to expunge the arrest records and
23 public records related to the case and charge(s) below.
24

25 1. Information about Petitioner:

26 Date of Birth: _____

27 Current Mailing Address: _____

28 City: _____ State: _____ Zip Code: _____

29 Home Phone #: _____ Work Phone #: _____ Cell #: _____

30 Other names or aliases by which Petitioner has been known (*include prior names, nicknames,*
31 *or aliases, especially if your arrest records may reflect a different name*):
32 _____
33

34 2. [] Petitioner has no pending expungement cases in the _____ Judicial District.

35 [] Petitioner has the following pending expungement case or cases in the _____ Judicial
36 District (*provide expungement case numbers for any expungement cases that may be currently*
37 *pending before the _____ Judicial District Court*):
38 _____
39 _____
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41 3. [] Petitioner has never applied for expungement and been denied.

42 [] Petitioner has applied for expungement and been denied in the following expungement
43 cases (*provide the expungement case numbers*): _____

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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. The following appellate court cases(s) are related to Petitioner's Petition to Expunge:

Court of Appeals case number(s): _____

Supreme Court case number(s): _____

[5-] 6. 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-] 7. 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-] 8. It has been one (1) year or more since the date of the final disposition of the charge(s)
Petitioner seeks to expunge.

[8-] 9. There is no other charge or proceeding pending against Petitioner.

[9-] 10. 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;

- 1 _____ County Sheriff's Department;
2 District Attorney for the _____ Judicial District;
3 New Mexico Department of Public Safety
4 Law Enforcement Agency (*name of agency that arrested Petitioner*); _____
5
6 Metropolitan/Magistrate/Municipal Court in _____ (*location*);
7 New Mexico State Police Investigations Bureau
8 Other _____
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10 ~~[10-]~~ 11. A copy of this Petition, when filed with the Court, will be mailed by first class
11 United States mail to:

- 12 (1) The District Attorney in the _____ Judicial District
13 (The District Attorney in the Judicial District where Petitioner's charge
14 originated)
15 _____
16 (Address)
17 (2) The New Mexico Department of Public Safety
18 P.O. Box 1628, Santa Fe, New Mexico 87504-1628
19

20 ~~[11-]~~ 12. The charges sought to be expunged were originally disposed of or originated in (*select*
21 *one*)

- 22
23 District Court in the _____ Judicial District
24 Metropolitan Court in _____ (*location*)
25 Magistrate Court in _____ (*location*)
26 Municipal Court in _____ (*location*)
27

28 ~~[12-]~~ 13. Petitioner has included Petitioner's State of New Mexico, Department of Public Safety
29 Record of Arrest and Prosecution (RAP) sheet, dated no later than ninety (90) days prior to the
30 filing of the petition.
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32 ~~[13-]~~ 14. Petitioner has also included the following documentation related to Petitioner's criminal
33 history:

- 34
35 a. Docket sheet, arrest sheet, or other record detailing the offenses Petitioner is seeking to
36 expunge;
37 b. Documentation showing final disposition of the charges Petitioner is seeking to expunge;
38 c. Other: _____
39 (*list any other documentation provided with the petition*).
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42 ~~[14-]~~ 15. Petitioner wishes to attend any hearings in this matter by telephonic or other
43 electronic means as provided for in Rule 1-077.1(J) NMRA.
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SIGNATURE SECTION

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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; provisionally adopted form approved as amended by Supreme Court Order No. S-1-RCR-2024-00099, effective for all cases filed on or after December 31, 2025.]