

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 Petitioner.
15

16
17 **PETITION TO EXPUNGE ARREST RECORDS AND PUBLIC RECORDS UNDER**
18 **SECTION 29-3A-4 NMSA 1978**
19 ***(Upon Release without Conviction)***
20

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

24 1. Information about Petitioner:

25 Date of Birth: _____

26 Current Mailing Address: _____

27 City: _____ State: _____ Zip Code: _____

28 Home Phone #: _____ Work Phone #: _____ Cell #: _____

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

31 _____

32
33 2. Petitioner has no pending expungement cases in the _____ Judicial District.

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

37 _____

38
39
40 3. Petitioner has never applied for expungement and been denied.

- 1 Petitioner has applied for expungement and been denied in the following expungement
2 cases (*provide the expungement case numbers*): _____
3 _____
4 _____
5
- 6 4. The following case(s) and record(s) are the subject of Petitioner's Petition to Expunge
7 (*Include additional pages, if necessary*):
8 District Court case number(s): _____
9 Metropolitan/Magistrate/Municipal Court case number(s):
10 _____
11 Law Enforcement Agency case number(s): _____
12 Arrest number(s): _____
13
- 14 5. Petitioner was released without conviction for the following charges: (*Complete for each*
15 *charge sought to be expunged. Include additional pages if necessary.*)
16 (1) Date of arrest: _____
17 Name of offense and statute/ordinance number: _____
18 Final disposition of offense: (*check one*) acquittal or finding of not guilty nolle prosequi
19 no bill referral to pre-prosecution diversion program Order of Conditional Discharge
20 under Section 31-20-13 (1994) NMSA 1978 other dismissal/discharge (*explain*):
21 _____
22 _____
23 Degree of offense, if known (*e.g., misdemeanor, petty misdemeanor, etc.*): _____
24 _____
25 Date of final disposition: _____
26
- 27 *Check if additional pages attached.*
28
- 29 6. Petitioner has no cases related to the charges sought to be expunged.
30 The following cases are related to the charges sought to be expunged: (*Include case names*
31 *and numbers for any cases that were joined either with a co-defendant or joined as the result*
32 *of a plea.*)
33 _____
34 _____
35 _____
36
- 37 7. It has been one (1) year or more since the date of the final disposition of the charge(s)
38 Petitioner seeks to expunge.
39
- 40 8. There is no other charge or proceeding pending against Petitioner.
41
- 42 9. Petitioner asks this Court for an Order to Expunge arrest records and public records in the
43 custody of the following agencies:
44 District Court in the _____ Judicial District;
45 _____ County Sheriff's Department;

- 1 District Attorney for the _____ Judicial District;
2 New Mexico Department of Public Safety
3 Law Enforcement Agency (*name of agency that arrested Petitioner*); _____
4
5 Metropolitan/Magistrate/Municipal Court in _____ (*location*);
6 New Mexico State Police Investigations Bureau
7 Other _____
8

- 9 10. A copy of this Petition, when filed with the Court, will be mailed by first class United
10 States mail to:

11 (1) The District Attorney in the _____ Judicial District
12 (The District Attorney in the Judicial District where Petitioner's charge
13 originated)

14 _____
15 (Address)

16 (2) The New Mexico Department of Public Safety
17 P.O. Box 1628, Santa Fe, New Mexico 87504-1628
18

- 19 11. The charges sought to be expunged were originally disposed of or originated in (*select one*)
20

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

- 26 12. Petitioner has included Petitioner's State of New Mexico, Department of Public Safety
27 Record of Arrest and Prosecution (RAP) sheet, dated no later than ninety (90) days prior to
28 the filing of the petition.
29

- 30 13. Petitioner has also included the following documentation related to Petitioner's criminal
31 history:
32

- 33 a. Docket sheet, arrest sheet, or other record detailing the offenses Petitioner is seeking to
34 expunge;
35 b. Documentation showing final disposition of the charges Petitioner is seeking to expunge;
36 c. Other: _____
37 (*list any other documentation provided with the petition*).
38
39

- 40 14. Petitioner wishes to attend any hearings in this matter by telephonic or other electronic
41 means as provided for in Rule 1-077.1(J) NMRA.
42
43
44

45 _____
SIGNATURE SECTION

1
2 **I, Petitioner, affirm under penalty of perjury under the laws of the State of New Mexico**
3 **that the statements herein are true and correct.**
4

5 _____
6 Printed name of Petitioner Date _____

7 _____
8 Signature of Petitioner

9 _____
10 Mailing Address

11 _____
12 Telephone Number Email _____

13 _____
14 _____
15 Attorney Name (*if applicable*) Date _____

16 _____
17 Attorney Signature

18 _____
19 Mailing Address

20 _____
21 Telephone Number Email _____

22
23 [Provisionally adopted by Supreme Court Order No. 21-8300-033, effective for all cases pending
24 or filed on or after January 28, 2022.]
25