

1 4-953. Petition to expunge arrest records and public records; upon conviction.

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

3

4 STATE OF NEW MEXICO

5 COUNTY OF _____

6 _____ JUDICIAL DISTRICT COURT

7

8

9

10 In re _____, No.

11

12 Petitioner.

13

14

15 **PETITION TO EXPUNGE ARREST RECORDS AND PUBLIC RECORDS UNDER**
16 **SECTION 29-3A-5 NMSA 1978**
17 ***(Upon Conviction)***

18

19 Petitioner, unrepresented by counsel/ represented by counsel (*select one*), under Section 29-

20 3A-5 NMSA 1978, respectfully moves the Court to expunge the arrest records and public records

21 related to the case and charge(s) below.

22 1. Information about Petitioner:

23 Date of Birth: _____

24 Current Mailing Address: _____

25 City: _____ State: _____ Zip Code: _____

26 Home Phone #: _____ Work Phone #: _____ Cell #: _____

27 Other names or aliases by which Petitioner has been known

28 *(Include prior names, nicknames, or aliases, especially if your arrest records may reflect a*
29 *different name):*

30 _____

31 _____

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*
38 *Court):* _____

39 _____

- 1
2 3. Petitioner has never applied for expungement and been denied.
3 Petitioner has applied for expungement and been denied in the following expungement
4 cases (*provide the expungement case numbers*): _____
5 _____
6 _____
7
8 4. The following case(s) and records are the subject of Petitioner's Petition to Expunge:
9 District Court case number(s): _____
10 Metropolitan/Magistrate/Municipal Court case number(s): _____
11 Law Enforcement Agency case number(s): _____
12 Arrest number(s): _____
13
14 5. Petitioner was convicted of the following charges: (*Complete for each offense that you are*
15 *seeking to expunge. Include additional pages if necessary.*)
16
17 (1) Date of offense/arrest: _____
18 Name and statute/ordinance number of offense: _____
19 Date sentence completed: _____
20 Date fines and fees paid: _____
21
22 *Check if additional pages attached.*
23
24 6. Petitioner has no cases related to the charges sought to be expunged.
25 The following cases are related to the charges sought to be expunged:
26 (*Include case names and numbers for any cases that were joined either with a co-defendant or*
27 *joined as the result of a plea.*)
28 _____
29 _____
30 _____
31
32 7. There is currently no other charge(s) or proceeding(s) pending against Petitioner.
33
34 8. Petitioner has had no other criminal convictions (measured from the date of completion of a
35 sentence for a conviction in *any jurisdiction*) for a period of:
36
37 Two years
38 Four years
39 Six years
40 Eight Years
41 Ten or more years
42 9. Petitioner has paid all fines and fees and has fulfilled all victim restitution ordered for the
43 charges Petitioner seeks to expunge.
44
45 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 _____ 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: _____

13. 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*)

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 _____ 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

- 1 (3) _____
2 (The law enforcement agency that arrested Petitioner)
3 _____
4 (Address)
5
- 6 15. Petitioner has included copies of Petitioner’s FBI and DPS Record of Arrest and Prosecution
7 (RAP) sheets, dated no later than ninety (90) days prior to the filing of the petition.
8
- 9 16. Petitioner has included the following additional documentation related to Petitioner’s criminal
10 history: *(Petitioner should attach the documentation detailing the sentences for the charges*
11 *Petitioner is seeking to expunge. If there have been additional convictions, additional*
12 *paperwork may be required.)*
- 13
- 14 a. Documentation showing completion of Petitioner’s sentences for the convictions Petitioner
15 is seeking to expunge;
16 b. Documentation showing completion of sentences for any other convictions that Petitioner
17 has served;
18 c. Documentation showing final payment of any fines and fees owed related to the convictions
19 Petitioner is seeking to expunge;
20 d. Documentation showing completion of any victim restitution ordered as a result of the
21 convictions Petitioner is seeking to expunge;
22 e. Other: _____
23 *(list any other documentation provided with the petition).*
24
- 25 17. Petitioner wishes to attend any hearings in this matter by telephonic or other electronic
26 means as provided for in Rule 1-077.1(J) NMRA.
27
28
29
30

31 _____
32 **SIGNATURE SECTION**

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

35
36 _____
37 Printed name of Petitioner

_____ Date

38 _____
39 Signature of Petitioner

40 _____
41 Mailing Address

42 _____
43 Telephone Number

_____ Email

44 _____
45 _____

CIVIL FORMS
4-953
[NEW MATERIAL]

Supreme Court Approved
December 14, 2021

1	Attorney Name (<i>if applicable</i>)	Date
2	_____	
3	Attorney Signature	
4	_____	
5	Mailing Address	
6	_____	_____
7	Telephone Number	Email
8		
9	[Provisionally adopted by Supreme Court Order No. 21-8300-033, effective for all cases pending	
10	or filed on or after January 28, 2022.]	
11		