

Cause Number \_\_\_\_\_

The State of Texas

(

In the County Court

VS.

(

At Law Number \_\_\_\_

\_\_\_\_\_

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Bexar County, Texas

**ACQUITTED DEFENDANT EXPUNCTION ADMONISHMENT**

Having been tried for the offense for which you were arrested, and having been acquitted by this Court, you are hereby advised of your rights pursuant to Article 55.01 – 55.05, Texas Code of Criminal Procedure.

Pursuant to Article 55.02, Section 1, of the Texas Code of Criminal Procedure, you are entitled to an expunction in a District Court in this county, provided the case for which you were acquitted did not arise out of a criminal episode in which you were convicted of, or remain subject to prosecution for at least one other offense occurring during the criminal episode. Only at your request and after notice to the State, the District Court shall enter an order of expunction not later than the 30<sup>th</sup> day after the date of the acquittal. You must provide a petition that is verified and includes all of the information required in Article 55.02, Section 2(b), to the District Court. The attorney who represented you in the case, or the attorney for the State, if you were not represented by counsel, shall prepare the order for the Court’s signature. When the Expunction Order becomes final, the records shall be destroyed pursuant to Article 55.02, Section 5.

You also have the option to file an ex parte petition for expunction in a District Court for the county in which you were arrested or where the offense was alleged to have occurred. Such petition must be verified and include the information required in Article 55.02, Section 2(b). The Court can then set a hearing no sooner than thirty (30) days from the filing of the petition. If the Court finds you are entitled to an expunction of any records or files that are the subject of your petition, then the Court will order such expunction.

The fees under Article 102.006, Code of Criminal Procedure, shall be waived if the petitioner seeks expunction of a criminal record that relates to an arrest for an offense of which the person was acquitted, other than an acquittal for an offense described by Article 55.01(a)(1)(A) and the petition for expunction is filed not later than the **30th day** after the date of the acquittal.

After an expunction Order is entered the release, maintenance, dissemination or use of the expunged records and files for any purpose is prohibited. If questioned under oath in a criminal proceeding about any arrest for which the records have been expunged, petitioner may state only that the matter in question has been expunged. Otherwise, the petitioner may deny the occurrence of the arrest and the existence of the Expunction Order.

Any person violating an Expunction Order commits an offense under Article 55.04 of the Code of Criminal Procedure, which is a Class B misdemeanor.

\_\_\_\_\_  
Judge Presiding

The signatures which appear on this document verify that the defendant in the above-referenced cause has been admonished of his/her rights pursuant to Article 55 of the Code of Criminal Procedure.

\_\_\_\_\_  
Attorney for Defendant

\_\_\_\_\_  
Defendant