

EXPUNGEMENTS
INFORMATION FOR PRO SE PETITIONERS

Attached is a pre-printed form to petition the Court to expunge records. The Clerk's Office staff is available to assist the public and attorneys in the filing or recording of papers prepared by an individual or an attorney. Virginia law prohibits court personnel from providing legal advice. Therefore, PLEASE DO NOT ask the Clerk's Office staff for legal assistance.

Assistance by court personnel is limited to the following:

1. Providing the attached pre-printed form. Additional copies may be obtained by going to the State Judicial System Web Site: www.courts.state.va.us
2. Providing a list of pre-set dates for hearing motions, etc.
3. Stating filing fees for documents or court papers

The Clerk's Office staff is not available to prepare legal papers for filing with the Court. An individual should seek the advice of an attorney in these matters. In the alternative, an individual could research legal requirements in the Code of Virginia, or other legal books. If you decide to file your own pleadings or documents, you are responsible for their preparation. You will be expected to follow the same procedures as an attorney and you are responsible for researching these requirements.

Available resources:

Local public library
Lawyer Referral Services 800-552-7977 Hours 9-5 M-F
Rappahannock Legal Services, for indigent clients 825-3131
Tele-Court: 877-801-2303 for various recorded messages regarding various proceedings
Legal Aid Help Line: 866-534-5243
Virginia's Judicial System Court Self Help - <https://selfhelp.vacourts.gov>

Web Sites:

Virginia Judicial System: www.courts.state.va.us
Can be used to locate forms relating to some proceedings

County: www.fauquiercounty.gov
Provides local rules and court calendar

Legal Aid Resources: VaLegalAid.org
Legal Resource Locator: LawHelp.org

It is recommended that you hire an attorney to represent you in court proceedings.

NOTE: The filing fee is \$96.00. An original Petition with attachments, plus 3 complete copies are required at time of filing. A copy of the filed Petition will be provided at the time of filing for Petitioner to provided to the Sheriff's Office for fingerprints. Upon receipt of the report from the State Police this matter may be placed on our docket for the 2nd Friday of each month at 9:00 a.m. by Praecepte filed 10 days prior by noon. You may check receipt of the record by going to www.courts.state.va.us and checking the orders/pleadings section.

Clerk, Circuit Court of Fauquier County
29 Ashby St
Warrenton, VA 20186
540 422-8109

We accept : Money orders, cash or certified checks only.

Using This Revisable PDF Form

1. Copies

- a. Original – to court.
- b. Copy – arrange to have served on Commonwealth’s Attorney in the county or city in which the petition is filed.

2. Attachments

- a. Copy of order or acquittal or dismissal.
- b. Copy of warrant(s) or indictment(s) for the charge(s) you seek to have expunged.
- c. Completed circuit court form CC-1416, COVER SHEET FOR FILING CIVIL ACTIONS, if required by the clerk.

3. Preparation details

- a. Data Element Nos. 1-20 prepared by the petitioner or the attorney for the petitioner.
- b. Data Element Nos. 21-24 prepared by the clerk of court or deputy clerk, who will also provide or complete the case number if unknown to the petitioner (Data Element No. 1).
- c. Data Element No. 25 is provided for the use of the petitioner.

See circuit court form CC-1473 (INST), INSTRUCTIONS FOR PETITION FOR EXPUNGEMENT FILED IN A CIRCUIT COURT – ACQUITTAL/DISMISSAL (page 4 of these instructions), for additional information.

**PETITION FOR EXPUNGEMENT
FILED IN A CIRCUIT COURT –
ACQUITTAL/DISMISSAL**

Case No. 1

Commonwealth of Virginia VA. CODE § 19.2-392.2 A

2 Circuit Court
CITY OR COUNTY

3
STREET ADDRESS OF COURT

4 v. Commonwealth of Virginia
NAME OF PETITIONER

1. This petition to expunge the police and court records, including electronic records, relating to the charge(s) detailed in Part 2 (below) is based on subsection A of § 19.2-392.2, as the petitioner was charged with the commission of a crime or offense AND (CHECK ONE)

- 5 has been acquitted of the charge.
 a nolle prosequi of the charge has been taken or the charge has been otherwise dismissed, including dismissal by accord and satisfaction pursuant to Virginia Code Section 19.2-151.

2. I further state that:

Petitioner's date of birth is: 6

Petitioner's full name at the time of arrest: 7

Specific charge(s) to be expunged: 8

If matter was heard on appeal from General District Court, list applicable General District Court case number(s):

9

10 A copy of the warrant or indictment is attached to this petition. Underlying Case No.(s) 11

Date of arrest: 12 Name of arresting agency: 13

14 A copy of the warrant or indictment date of arrest or name of arresting agency is not reasonably available because (state reason this information is not available):

14

Date(s) of final disposition of charge(s): 15 Court disposing of charge(s): 16

The continued existence and possible dissemination of information relating to the arrest of the petitioner causes or may cause circumstances which constitute a manifest injustice to the petitioner. For this reason, I request that the police and court records, including electronic records, relating to the charge(s) be expunged and that a copy of any order of expungement be forwarded to the Department of State Police pursuant to subsection K of § 19.2-392.2.

17
DATE

18
SIGNATURE OF PETITIONER ATTORNEY FOR PETITIONER

19
PRINT NAME

20
ADDRESS/TELEPHONE NUMBER OF PETITIONER ATTORNEY FOR PETITIONER

24 I certify that I provided the petitioner a certified copy of this petition. Hearing date and time: 21

23
DATE

22
CLERK

25 Checklist for petitioner:

- File completed PETITION FOR EXPUNGEMENT FILED IN A CIRCUIT COURT – ACQUITTAL/DISMISSAL in the circuit court of the county or city in which the charge(s) was disposed of, together with all applicable fees and costs and, if required by the clerk of the court, a completed COVER SHEET FOR FILING CIVIL ACTIONS, circuit court form CC-1416.
- Obtain one complete set of fingerprints from a law-enforcement agency and provide a copy of this petition to such law-enforcement agency.
- Have a copy of this petition served on the Commonwealth's Attorney in the county or city in which the PETITION FOR EXPUNGEMENT FILED IN A CIRCUIT COURT – ACQUITTAL/DISMISSAL is filed.

Data Elements

1. Court case number.
2. Court name.
3. Street address of court.
4. Name of petitioner.
5. Check the applicable box.
6. Insert date of birth of petitioner.
7. Insert full name of petitioner at the time of arrest.
8. List criminal charge(s) petitioner seeks to have expunged. *Include court, charge description & case #.*
9. Insert General District Court case number(s), if applicable.
10. Check box if a copy of the warrant or indictment is attached.
11. Insert court case number(s) associated with the charges sought to be expunged.
12. Insert date of arrest for the charge(s) sought to be expunged.
13. Insert name of arresting agency.
14. Check applicable box(es) if the information indicated is not available and state the reason the information is not available on the blank lines.
15. Insert date of final disposition of charge(s) sought to be expunged.
16. Insert name of court disposing of charge(s).
17. Insert date petition is signed.
18. Signature of petitioner or attorney for petitioner. Check applicable box under the line.
19. Print name of individual signing the petition.
20. Insert address and telephone number of individual signing the petition and check applicable box under the line.
21. Clerk of court or deputy clerk insert hearing date and time.
22. Signature of clerk or deputy clerk.
23. Insert date of clerk or deputy clerk signature.
24. Clerk of court or deputy clerk check box.
25. Petitioner may use the check boxes to indicate the steps completed.

**INSTRUCTIONS FOR PETITION FOR EXPUNGEMENT
FILED IN A CIRCUIT COURT – ACQUITTAL/DISMISSAL**

Virginia Code § 19.2-392.2, relating to the expungement of police and court records, provides in pertinent part as follows:

- § 19.2-392.2 A.** Pursuant to § 19.2-392.2 A, a person charged with the commission of a crime may file a petition setting forth the relevant facts and requesting expungement of the police records and the court records relating to the charge IF one of the following is true:
1. The person is acquitted, or
 2. A nolle prosequi is taken or the charge is otherwise dismissed, including dismissal by accord and satisfaction pursuant to § 19.2-151.
 3. The person is granted an absolute pardon for the commission of a crime for which he has been unjustly convicted.
- § 19.2-392.2 C.** Pursuant to § 19.2-392.2 C, the petition with a copy of the warrant or indictment if reasonably available shall be filed in the circuit court of the county or city in which the case was disposed of by acquittal or being otherwise dismissed and shall contain, except where not reasonably available:
1. The date of arrest and the name of the arresting agency. Where this information is not reasonably available, the petition shall state the reason for such unavailability;
 2. A statement of the specific criminal charge to be expunged;
 3. The date of final disposition of the charge as set forth in the petition;
 4. The petitioner's date of birth; and
 5. The full name used by the petitioner at the time of arrest.
- § 19.2-392.2 D.** Pursuant to § 19.2-392.2 D, the petitioner must have a copy of the petition served on the attorney for the Commonwealth of the city or county in which the petition is filed. The attorney for the Commonwealth may file an objection or answer to the petition or may give written notice to the court that he does not object to the petition within twenty-one days after it is served on him.
- § 19.2-392.2 E.** Pursuant to § 19.2-392.2 E, the petitioner shall obtain from a law-enforcement agency one complete set of the petitioner's fingerprints and shall provide that agency with a copy of the petition for expungement. The law-enforcement agency shall submit the set of fingerprints to the Central Criminal Records Exchange (CCRE) with a copy of the petition for expungement attached. The CCRE shall forward under seal to the court a copy of the petitioner's criminal history, a copy of the source documents that resulted in the CCRE entry that the petitioner wishes to expunge, and the set of fingerprints. Upon completion of the hearing, the court shall return the fingerprint card to the petitioner. If no hearing was conducted, upon the entry of an order of expungement or an order denying the petition for expungement, the court shall cause the fingerprint card to be destroyed unless, within 30 days of the date of entry of the order, the petitioner requests the return of the fingerprint card in person from the clerk of the court or provides the clerk of the court a self-addressed, stamped envelope for the return of the fingerprint card.
- § 19.2-392.2 J.** Circuit court form CC-1473, PETITION FOR EXPUNGEMENT FILED IN A CIRCUIT COURT – ACQUITTAL/DISMISSAL, may be completed and filed by the petitioner in the appropriate circuit court according to these instructions. A completed COVER SHEET FOR FILING CIVIL ACTIONS, circuit court form CC-1416, also may be required by the clerk of the court. Pursuant to § 19.2-392.2 J, costs shall be as provided by § 17.1-275, but shall not be recoverable against the Commonwealth.
- § 19.2-392.2 B or § 19.2-392.2 H.** Different procedures for expungement may apply to a petition or motion filed pursuant to § 19.2-392.2 B or § 19.2-392.2 H.

When a person has been granted an absolute pardon for the commission of a crime that the person did not commit, the person may file circuit court form CC-1472, PETITION FOR EXPUNGEMENT FILED IN A CIRCUIT COURT – ABSOLUTE PARDON, in the circuit court of the county or city in which the conviction occurred.

**PETITION FOR EXPUNGEMENT
FILED IN A CIRCUIT COURT –
ACQUITTAL/DISMISSAL**

Commonwealth of Virginia VA. CODE § 19.2-392.2 A

Case No.

..... Circuit Court
CITY OR COUNTY

.....
STREET ADDRESS OF COURT

..... v. Commonwealth of Virginia
NAME OF PETITIONER

1. This petition to expunge the police and court records, including electronic records, relating to the charge(s) detailed in Part 2 (below) is based on subsection A of § 19.2-392.2, as the petitioner was charged with the commission of a crime or offense AND (CHECK ONE)

- has been acquitted of the charge.
- a nolle prosequi of the charge has been taken or the charge has been otherwise dismissed, including dismissal by accord and satisfaction pursuant to Virginia Code Section 19.2-151.

2. I further state that:

Petitioner's date of birth is:

Petitioner's full name at the time of arrest:

Specific charge(s) to be expunged:

If matter was heard on appeal from General District Court, list applicable General District Court case number(s):
.....

A copy of the warrant or indictment is attached to this petition. Underlying Case No.(s)

Date of arrest: Name of arresting agency:

A copy of the warrant or indictment date of arrest or name of arresting agency is not reasonably available because (state reason this information is not available):
.....

Date(s) of final disposition of charge(s): Court disposing of charge(s):

The continued existence and possible dissemination of information relating to the arrest of the petitioner causes or may cause circumstances which constitute a manifest injustice to the petitioner. For this reason, I request that the police and court records, including electronic records, relating to the charge(s) be expunged and that a copy of any order of expungement be forwarded to the Department of State Police pursuant to subsection K of § 19.2-392.2.

.....
DATE SIGNATURE OF PETITIONER ATTORNEY FOR PETITIONER

.....
PRINT NAME

.....
ADDRESS/TELEPHONE NUMBER OF PETITIONER ATTORNEY FOR PETITIONER

I certify that I provided the petitioner a certified copy of this petition. Hearing date and time:

.....
DATE CLERK

Checklist for petitioner:

- File completed PETITION FOR EXPUNGEMENT FILED IN A CIRCUIT COURT – ACQUITTAL/DISMISSAL in the circuit court of the county or city in which the charge(s) was disposed of, together with all applicable fees and costs and, if required by the clerk of the court, a completed COVER SHEET FOR FILING CIVIL ACTIONS, circuit court form CC-1416.
- Obtain one complete set of fingerprints from a law-enforcement agency and provide a copy of this petition to such law-enforcement agency.
- Have a copy of this petition served on the Commonwealth's Attorney in the county or city in which the PETITION FOR EXPUNGEMENT FILED IN A CIRCUIT COURT – ACQUITTAL/DISMISSAL is filed.

Using This Revisable PDF Form

1. Copies
 - a. Original – to court.
 - b. Copy – arrange to have served on Commonwealth’s Attorney in the county or city in which the petition is filed.
2. Attachments
 - a. Copy of the order granting absolute pardon.
 - b. Completed circuit court form CC-1416, COVER SHEET FOR FILING CIVIL ACTIONS, if required by the clerk of court.
3. Preparation details
 - a. Data Element Nos. 1-13 prepared by the petitioner or the attorney for the petitioner.
 - b. Data Element Nos. 14-16 prepared by the clerk of court or deputy clerk, who will also provide or complete the case number if unknown to the petitioner (Data Element No. 1).
 - c. Data Element No. 17 is provided for the use of the petitioner.

**PETITION FOR EXPUNGEMENT
FILED IN A CIRCUIT COURT –
ABSOLUTE PARDON**

Commonwealth of Virginia VA. CODE § 19.2-392.2 I

Case No. 1

2 Circuit Court
CITY OR COUNTY

3
STREET ADDRESS OF COURT

4 v. Commonwealth of Virginia
NAME OF PETITIONER

This petition to expunge the police and court records, including electronic records, relating to the charge(s) specified below is based on subsection I of § 19.2-392.2, as the petitioner has been granted an absolute pardon for the commission of a crime or offense that the petitioner did not commit.

I further state that:

Petitioner's date of birth is: 5

Petitioner's full name at the time of arrest: 6

Specific charge(s) to be expunged: 7

Date(s) of final disposition of charge(s): 8 Court(s) disposing of charge(s): 8

In support of this petition, the petitioner relies on the facts set forth on the attached document, which is incorporated herein the following facts: 9

For this reason, I request that the police and court records, including electronic records, relating to the charge(s) be expunged and that a copy of any order of expungement be forwarded to the Department of State Police pursuant to subsection K of § 19.2-392.2.

10
DATE

11
SIGNATURE OF PETITIONER ATTORNEY FOR PETITIONER

12
PRINT NAME

13
ADDRESS/TELEPHONE NUMBER OF PETITIONER ATTORNEY FOR PETITIONER

Hearing date and time: 14

15
DATE

16
CLERK

Checklist for petitioner:

- File completed PETITION FOR EXPUNGEMENT FILED IN A CIRCUIT COURT – ABSOLUTE PARDON in the circuit court of the county or city in which the charge(s) was (were) disposed of, together with all applicable fees and costs and, if required by the clerk of the court, a completed COVER SHEET FOR FILING CIVIL ACTIONS, circuit court form CC-1416.
- Have a copy of this petition, including any attachments, served on the Commonwealth's Attorney in the county or city in which the PETITION FOR EXPUNGEMENT FILED IN A CIRCUIT COURT – ABSOLUTE PARDON is filed.

Data Elements

1. Court case number.
2. Court name.
3. Street address of court.
4. Name of petitioner.
5. Insert date of birth of petitioner.
6. Insert full name of petitioner at the time of arrest.
7. List criminal charge(s) and, if available, court case number(s), petitioner seeks to have expunged.
8. Insert date(s) of final disposition of charge(s) sought to be expunged. *Include Court, Charge description + case #.*
9. Check the appropriate box. If the petitioner will rely on an order granting absolute pardon, attach a copy of the order. If the petitioner will rely on something other than, or in addition to, an order granting absolute pardon, specify the facts on the blank lines.
10. Insert date petition is signed.
11. Signature of petitioner or attorney for petitioner. Check applicable box under the line.
12. Print name of individual signing the petition.
13. Insert address and telephone number of individual signing the petition and check applicable box under the line.
14. Clerk of court or deputy clerk insert hearing date and time.
15. Insert date of clerk or deputy clerk signature.
16. Signature of clerk or deputy clerk.
17. Petitioner may use the check boxes to indicate the steps completed.

**PETITION FOR EXPUNGEMENT
FILED IN A CIRCUIT COURT –
ABSOLUTE PARDON**

Commonwealth of Virginia VA. CODE § 19.2-392.2 I

Case No.

..... Circuit Court
CITY OR COUNTY

.....
STREET ADDRESS OF COURT

..... v. Commonwealth of Virginia
NAME OF PETITIONER

This petition to expunge the police and court records, including electronic records, relating to the charge(s) specified below is based on subsection I of § 19.2-392.2, as the petitioner has been granted an absolute pardon for the commission of a crime or offense that the petitioner did not commit.

I further state that:

Petitioner's date of birth is:

Petitioner's full name at the time of arrest:

Specific charge(s) to be expunged:

Date(s) of final disposition of charge(s): Court(s) disposing of charge(s):

In support of this petition, the petitioner relies on the facts set forth on the attached document, which is incorporated herein the following facts:

For this reason, I request that the police and court records, including electronic records, relating to the charge(s) be expunged and that a copy of any order of expungement be forwarded to the Department of State Police pursuant to subsection K of § 19.2-392.2.

..... DATE SIGNATURE OF PETITIONER ATTORNEY FOR PETITIONER

..... PRINT NAME

..... ADDRESS/TELEPHONE NUMBER OF PETITIONER ATTORNEY FOR PETITIONER

Hearing date and time:

..... DATE CLERK

Checklist for petitioner:

- File completed PETITION FOR EXPUNGEMENT FILED IN A CIRCUIT COURT – ABSOLUTE PARDON in the circuit court of the county or city in which the charge(s) was (were) disposed of, together with all applicable fees and costs and, if required by the clerk of the court, a completed COVER SHEET FOR FILING CIVIL ACTIONS, circuit court form CC-1416.
- Have a copy of this petition, including any attachments, served on the Commonwealth's Attorney in the county or city in which the PETITION FOR EXPUNGEMENT FILED IN A CIRCUIT COURT – ABSOLUTE PARDON is filed.

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Fauquier County Circuit - Civil Division
Pleadings/Orders Detail

Case Number: ██████████

Filed	Type	Party	Judge	Book	Page	Remarks
02/07/18	Initial Filing	PLT				XPUN:
02/26/18	Documents Produced					VSP-CH & FP



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Build #: 3.8.0.1

This is the entry you must see before a case can be placed on the docket for a hearing by praecipe.

VIRGINIA:

IN THE CIRCUIT COURT FOR THE COUNTY OF FAUQUIER

vs.

Civil No. CL _____

COMMONWEALTH OF VIRGINIA

PRAECIPE

PLEASE TAKE NOTICE that on the ____ day of _____, 20__ at 9:00 a.m.
the Petitioner will hereby move this Honorable Court for an Order of Expungement as set forth in the
Petition for Expungement.

Petitioner/Attorney (Signature)

Petitioner/Attorney (Print)

Address

()
Daytime Telephone Number

Attorney VSB No.

Certificate of Service

I hereby certify that a true copy of this notice was mailed/hand delivered to the
Commonwealth Attorney's Office for Fauquier County, 29 Ashby Street, Warrenton, Virginia
20186, on the ____ day of _____, 20__.

Petitioner/Attorney (Signature)

GENERAL INFORMATION: Expungements are heard on the 2nd Friday of each month at 9:00 a.m. (Please consult the Court's
calendar on the Circuit Court Clerk's website at www.fauquiercounty.gov to verify the calendar has not changed due to a holiday
or other conflict.

NOTE: Praecipes must be filed in the Clerk's Office no later than 4:00 p.m.
Ten (10) days prior to the hearing date.

EXPUNGEMENT ORDER
Commonwealth of Virginia
VA. CODE § 19.2-392.2

Case No.

..... Circuit Court
CITY OR COUNTY

.....
NAME OF [] PETITIONER [] SUBJECT OF WRIT OF ACTUAL INNOCENCE

[] The petitioner is seeking relief pursuant to subsection A of Va. Code § 19.2-392.2 because the petitioner was charged with the commission of the following crime(s) or offense(s)

....., AND
[] has been acquitted of the following charge(s)

AND/OR

[] a nolle prosequi of the following charge(s) has been taken or the charge(s) have been otherwise dismissed, including dismissal by accord and satisfaction pursuant to Va. Code § 19.2-151

After receiving the criminal history record information from the Central Criminal Records Exchange (CCRE) and

[] conducting a hearing on the petition relating to the following charges

AND/OR

[] waiving a hearing on the petition for expungement of the following misdemeanor charge(s) upon receipt of written notice from the attorney for the Commonwealth that he does not object to the petition,

AND/OR

[] waiving a hearing on the petition for expungement of the following felony charge(s) upon receipt of written notice and stipulation from the attorney for the Commonwealth that he does not object to the petition and that the continued existence and possible dissemination of information relating to the arrest of the petitioner causes or may cause circumstances which constitute a manifest injustice to the petitioner,

[] the court FINDS that

[] the continued existence and possible dissemination of information relating to the arrest of the petitioner causes or may cause circumstances that constitute a manifest injustice to the petitioner.

[] the petitioner has no prior criminal record, the arrest was for a misdemeanor and the Commonwealth did not show good cause why the police and court records relating to the charge should not be expunged.

[] The petitioner is seeking relief pursuant to subsection I of Va. Code § 19.2-392.2 because the petitioner has been granted an absolute pardon for a crime that he did not commit and the court FINDS that such relief is proper

[] The court has received the attached copy of a writ of actual innocence pursuant to § 19.2-327.5 or § 19.2-327.13 vacating a conviction

Case No.

The court ORDERS that:

The police and court records, including electronic records, relating to the following charge(s) be expunged pursuant to subsection F (acquittal/dismissal) subsection I (absolute pardon) subsection J (writ of actual innocence) of Va. Code § 19.2-392.2

.....
LIST CHARGE(S) INCLUDING CIRCUIT COURT AND GENERAL DISTRICT COURT CASE NUMBERS, IF KNOWN

The clerk of this court shall send a copy of this ORDER, along with a copy of the PETITION FOR EXPUNGEMENT or writ of actual innocence, to the Department of State Police to be acted upon in accordance with the rules and regulations adopted pursuant to Va. Code § 9.1-134.

The court FINDS that the statutory requirements for expungement have not been satisfied for the following charge(s) and therefore, the court ORDERS that the petition be denied as to the following charge(s).

.....
LIST CHARGE(S)

.....
DATE

.....
JUDGE

I certify that I forwarded a copy of this ORDER, along with a copy of the PETITION FOR EXPUNGEMENT or a copy of the writ of actual innocence, to the Virginia Department of State Police

on

.....
DATE

.....
CLERK