

TEXAS ALCOHOLIC BEVERAGE CODE Sec. 106.12.

EXPUNCTION OF CONVICTION OF A MINOR

§ 106.01 of the Texas Alcoholic Beverage Code provides:

In this code, “minor” means a person under 21 years of age.

§ 106.12 of the Texas Alcoholic Beverage Code provides:

- (a) Any person convicted of not more than one violation of this code while a minor, on attaining the age of 21 years, may apply to the court in which he was convicted to have the conviction expunged.
- (b) The application shall contain the applicant’s sworn statement that he was not convicted of any violation of this code while a minor other than the one he seeks to have expunged.
- (c) If the court finds that the applicant was not convicted of any other violation of this code while he was a minor, the court shall order the conviction, together with all complaints, verdicts, sentences, other documents relating to the offense, to be expunged from the applicant’s record. After entry of the order, the applicant shall be released from all disabilities resulting from the conviction and the conviction may not be shown or made known for any purpose.
- (d) The court shall charge an applicant a fee in the amount of \$30 for each application for expungement filed under this section to defray the cost of notifying state agencies of orders of expungement under this section.

NO. (YOUR CAUSE NUMBER)

EX PARTE	§	IN THE MUNICIPAL
	§	
<u>(YOUR NAME)</u>	§	COURT
	§	
	§	IRVING, TEXAS

APPLICATION FOR EXPUNCTION OF CRIMINAL RECORDS

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW **(Your Name)**, (hereinafter Applicant) and files this application for expunction of a criminal record pursuant to § 106.12 of the Texas Alcoholic Beverage Code and in support thereof would show the Court the following:

1. Applicant is identified as follows:
 - a. Full Name: **(Your Full Name)**
 - b. Address at the time of your offense: **(Address)**
 - c. Current Address: **(Address)**
 - d. Sex: **(Male/Female)**
 - e. Race: **(Race)**
 - f. Date of Birth: **(i.e. January 1, 2xxx)**
 - g. Driver's License Number: **TX (Number on License)**
 - h. Social Security Number: **(000-00-0000)**
2. Applicant requests expunction of all records and files relating to and generated because of his arrest by the Irving Police Department and complaint charging the Applicant in the Irving Municipal Court for the Offense of **(Your Offense)** Cause No. **(Your Cause No.)**.
3. Applicant has not been convicted of more than one violation of this code while a minor.
4. This Application is filed after the Applicant's 21st Birthday.
5. The following is a list of all law enforcement agencies and courts that Applicant has reason to believe have records or files subject to expunction:

I. Irving Police Department
305 N. O'Connor Road
Irving, Texas 75061

- II. Irving Municipal Court including Teen Court
305 N. O'Connor Road
Irving, Texas 75061
- III. Texas Department of Public Safety
Legal Services Division
P.O. Box 4087
Austin, Texas 78773-0001
- IV. USMA Theft Database
United States Investigations Services
P.O. Box 33181
Tulsa, OK 74153

WHEREFORE, PERMISES CONSIDERED, Applicant prays this Court:

- a. Set this matter for hearing.
- b. After hearing on this matter, order each official, agency, or other public entity that there is reason to believe possesses records or files concerning this arrest and charge to return all records and files concerning the arrest to the court, or if removal is impractical, obliterate all references to Applicant and notify the court of it's action;
- c. Require any state agency that sent information concerning the arrest to a central federal depository to request such depository return all records and files;
- d. Delete from its public records all index references to the subject of arrest and charges against Applicant;
- e. Direct the clerk of the court to send a certified copy of the order by certified mail, return receipt requested, to the Crime Records Service of the Department of Public Safety to each official agency or other entity of this State or of any political subdivision of this State designated above;
- f. Direct the Department of Public Safety to provide any central federal depository of criminal records with an explanation of the effect of the expunction order and request that the records in the possession of the depository, including any information with respect to that order, be destroyed or returned to the Court; and
- g. For such other and further relief to which Applicant is justly entitled.

Respectfully Submitted,

(Signature)

(Printed Name)

Pro Se

SWORN AFFIDAVIT

STATE OF TEXAS	§
	§
CITY OF IRVING	§
	§
COUNTY OF DALLAS	§

BEFORE ME, the undersigned Notary Public, **(Notary's Name)**,
on this day personally appeared, who, being by me duly sworn on his oath and stated the
following:

My name is **(Your Name)**. I am the Applicant in the
foregoing Application for Expunction of Criminal Records and hereby
state that all of the factual allegations contained therein are true and
correct.

(Your Name)

SUBSCRIBED AND SWORN TO before me this _____ day of _____, 20____.

**NOTARY PUBLIC, IN AND FOR
THE STATE OF TEXAS**

ORDER SETTING HEARING DATE

The attached application for expunction of Criminal Records is hereby set for
hearing on the _____ day of _____, 20____, at _____ o'clock____m.

JUDGE PRESIDING

NO. (YOUR CAUSE NO.)

EX PARTE	§	IN THE MUNICIPAL
	§	
<u>(Your Name)</u>	§	COURT
	§	
	§	IRVING, TEXAS

ORDER GRANTING EXPUNCTION OF CRIMINAL RECORDS

On this _____ day of _____, 20____, came on to be heard Applicant's applications for Expunction of Records and it appears to the court that this application should be granted. The Court finds that the Applicant entitled to this expunction of criminal records is identified as:

1. Name: (Full Name)
2. Sex & Race: (Male/Female Race)
3. Birth Date: (i.e. January 1, 2xxx)
4. Social Security No: (000-00-0000)
5. Texas Driver's License No. (Number on License)
6. Address at the time of Arrest: (Address)
7. Current Address: (Address)

The Court finds the Respondents are:

- a. Irving Police Department
305 N. O'Connor Road
Irving, Texas 75061
- a. Irving Municipal Court including Teen Court
305 N. O'Connor Road
Irving, Texas 75061
- b. Texas Department of Public Safety
Legal Services Division
P.O. Box 4087
Austin, Texas 78773-0001
- c. USMA Theft Database
United States Investigations Services
P.O. Box 33181
Tulsa, OK 74153

The court finds that pursuant to §106.12 of the Texas Alcoholic Beverage Code, Applicant is entitled to have all records and files relating to this (Your Offense) cause No. (Your Cause No.) expunged for the following reasons:

1. The applicant has not been convicted of more than one violation of this code while a minor, AND
2. Applicant has attained the age of 21 years.

IT IS THEREFORE ORDERED that:

1. The conviction or deferred disposition of the complaint cause number (**Your Cause Number**), together with all complaints, verdicts, sentences, and all other documents relating to the offense of (**Your Offense**), is hereby expunged from the Applicant's record.

2. The Applicant is hereby released from all disabilities resulting from the conviction or deferred disposition of Cause No. (**Your Cause Number**), and it may not be shown or made known for any purpose.

3. Each official, agency, or other entity (Respondents) listed above shall return all records and files relating to the charges against, posting bond by, pleading guilty in connection with, and any other document related to the said charges against Applicant that is the subject of this cause to the court.

4. Each official, agency, or other entity (Respondents) listed above shall delete from its public records all index references to the arrest of, charges against, pleading guilty to, and documents relating to the investigation of the charges against Applicant that is the subject of this cause.

5. Any official, agency, or other entity (Respondents) listed above which has sent information concerning the arrest or charges or any documents relating to the subject of this cause to the central federal depository of criminal records shall request such agency to return the records to the court, or if removal is impractical, to obliterate all references concerning Applicant and notify the court of this action.

6. The clerk of this court shall send a certified copy of this order by certified mail, return receipt requested, to all of the above listed respondents.

7. The Municipal Court shall destroy and delete all records maintained pursuant to this expunction order

SIGNED this _____ day of _____, 20____.

HONORABLE JUDGE PRESIDING

Agreed To and Approved As To Form:

Assistant City Attorney, Irving