

IN THE MUNICIPAL COURT OF ELKINS, RANDOLPH COUNTY, WEST VIRGINIA

CITY OF ELKINS

vs.

CASE # _____

Defendant

**PETITION TO EXPUNGE RECORDS OF POSSESSION OF
CONTROLLED SUBSTANCE PURSUANT TO WV CODES §60A-4-407**

COMES NOW, the Defendant in the Municipal Court of Elkins, Randolph County, West Virginia, _____, pro se, and moves the Court for the entry of an ORDER sealing all records in the custody of the Court and directing any other agency or official, including law enforcement, to EXPUNGE records in the above styled matters pursuant to WV Code §60A-4-407. In support of this motion, Defendant cites the following:

1. The Defendant was arrested and arraigned in the above-styled case for the misdemeanor offense of possession of marijuana, less than fifteen (15) grams.
2. The Defendant entered a conditional guilty plea on the ____ day of _____ 20____, to the misdemeanor offense of possession of marijuana, less than fifteen (15) grams pursuant to WV Code §60A-4-407.
3. The Defendant has never been convicted of a felony offense.
4. The Defendant has not previously been convicted of any offense under this chapter or under any statute of the United States or of any state relating to narcotic drugs, marijuana, stimulant, depressant, or hallucinogenic drugs.
5. The Defendant has never had a discharge or dismissal of a misdemeanor offense of possession of marijuana, less than fifteen (15) grams WV Code §60A-4-407.
6. During the period of the Defendant's probation/waiver and during the period of time prior to the Defendant's application to the court under WV Code §60A-4-407, the Defendant has NOT been guilty of any other serious or repeated violations of the conditions of probation.
7. The Defendant has paid all applicable court costs to the Court.
8. At least 1 year has expired since the end of the Defendant's probationary/waiver period in this case.

WHEREFORE, based upon the foregoing, the Defendant respectfully requests that the Court enter an ORDER sealing all records in the custody of the Court and directing any other agency or official, including law enforcement, to expunge records relating to the arrest, charges, or other matters arising out of the arrest or charges and for such other and further relief as to the Court seems fair and just.

Respectfully submitted,

DEFENDANT