

NORFOLK CIRCUIT COURT

George E. Schaefer, Clerk



EXPUNGEMENT BROCHURE

Rev 7/2007

EXPUNGEMENT OF CRIMINAL RECORDS

Effective July 1, 2004

Before proceeding, see Virginia State Code section §19.2-392.2, Petition for Expungement filed in a Circuit Court-Absolute Pardon or Virginia Code Section §19.2-392.2 A, Petition for Expungement filed in a Circuit Court.

1. Prepare a petition, which includes your personal information, the charge or charges to be expunged and all other information pertaining to those charges. Be sure to include each charge to be expunged and coinciding dates. ****BE SURE TO INCLUDE YOUR CURRENT ADDRESS****

FORM CC-1472-PETITION FOR EXPUGEMENT FILED IN A CIRCUIT COURT-ABSOLUTE PARDON PURSUANT TO 19.2-392.2

FORM CC-1473-PETITION FOR EXPUNGEMENT FILED IN A CIRCUIT COURT PURSUANT TO 19.2-392.2A

FORM CC-1474-ORDER FOR EXPUNGEMENT

2. Certified copies of warrants/indictments that the Judge previously dismissed must be attached to the petition. If filing under the absolute pardon provision, a copy of the governor's pardon must be attached to the petition.
3. The filing fee is Seventy-Nine dollars(\$79.00). Additionally, there is a \$12.00 fee to have a copy of the petition and warrants served on the Commonwealth's Attorney (800 East City Hall Avenue, Suite 600, Norfolk, VA 23510).

The clerk's office accepts payments in the form of cash, check, money order or credit card. Your check or money order should be made payable to Norfolk Circuit Court in the amount of \$91.00 (filing fee and sheriff's fee). You must file an original and two copies of the petition including warrants and indictments.

4. The Commonwealth Attorney will be served and will respond with an "Answer", either agreeing or disagreeing with your request for expungement.

5. The Petitioner must provide a copy of the Petition to the local law enforcement agency to obtain a finger print card. The Police Department will then forward the fingerprint card to CCRE (Central Criminal Records Exchange). CCRE will then forward, under seal, the Petitioner's criminal history and the set of fingerprints to the Court. Please note that your case will not proceed unless this is done.
****THIS STEP DOES NOT APPLY TO A PETITION FILED UNDER 19.2-392.2-PETITION FOR EXPUNGEMENT-ABSOLUTE PARDON****
6. If the Commonwealth is in agreement with your petition for Expungement, prepare an order. When preparing the Order, ensure that all charges to be expunged are cited again in the order. Sign the Order and send it to the Commonwealth attorney for his endorsement. The Order must then be sent to the Court for entry.
7. After a Judge signs the Order, you will be sent 3 certified copies of the Order and the court will forward the Order to the appropriate law enforcement agency in order to have the charges expunged. Please note that this process can take from 3- 6 months to be completed.
8. If the Commonwealth objects, you will need to schedule a hearing for a Judge's ruling on your request. You may contact the Commonwealth Attorney's office (664-4444) to schedule a mutually agreeable trial date. Once a date has been selected, a notice of hearing must be filed with the Court.

Attached are forms, however, we suggest you consult an Attorney or visit the Norfolk/Portsmouth Law Library located in the First Union Building on Waterside Drive for further assistance and/or information.