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FILED IN DISTRICT COURT
OKLAHOMA COUNTY

IN THE DISTRICT COURT OF OKLAHOMA COUNTY
STATE OF OKLAHOMA

JAN 25 2021

RICK WARREN
COURT CLERK

[REDACTED]
Petitioner,

v.

Case No. [REDACTED]

THE STATE OF OKLAHOMA
Respondent.

PETITION TO EXPUNGE PURSUANT TO 22 O.S. §18/19

COMES NOW Petitioner, [REDACTED], by and through their attorney, Michael A. Risley, and pursuant to 22 O.S. §18/19, moves this Court to expunge the records below. This Amended Petition is submitted for the following reasons: Court requested full name in caption per Local Rules.

All Cases

1. The harm to the privacy of the Petitioner or dangers of unwarranted adverse consequences outweigh the public and safety interests of the parties, to wit: Petitioner cannot advance in their career with a record.
2. Pursuant to the Oklahoma Pleading Code at 12 O.S. §2018, Petitioner may combine expungement requests for relief into one Petition, including requests which are subsequent to a predicate ruling.

A. JOINDER OF CLAIMS. A party asserting a claim to relief as an original claim, counterclaim, cross-claim, or third-party claim, may join, either as independent or as alternate claims, as many claims, legal or equitable, as he has against an opposing party.

B. JOINDER OF REMEDIES; ... Whenever a claim is one heretofore cognizable only after another claim has been prosecuted to a conclusion, the two claims may be joined in a single action; but the court shall grant relief in that action only in accordance with the relative substantive rights of the parties.

22 O.S. §18/19 Expungement of Crimes Pardoned by Governor

3. Petitioner seeks the expungement of the following crimes which have been pardoned by the Governor. Petitioner's pardon certificate(s), showing the same, are attached.

Case Number	Arrest Date	Arresting Agency	DOC [REDACTED]	Crimes
[REDACTED]	11/13/2005	Warr Acres Police Dept.	9/1/2006	Possession of CDS, DUI

22 O.S. §18(A), as amended on November 1st, 2019, lists the categories that a person must fit before they are eligible to have their record expunged. The relevant category reads:

4. The person has received a full pardon by the Governor for the crime for which the person was sentenced;

Sample

22 O.S. §18/19 Expungement of 08/22/2009 Arrest/No File


4. On or about 08/22/2009, Petitioner was arrested by the City of Oklahoma City Police Dept. for Domestic Assault & Battery. Soon thereafter, the District Attorney declined to file any charges.


The relevant category reads:

5. The person was arrested and no charges of any type, including charges for an offense different than that for which the person was originally arrested, are filed and the statute of limitations has expired or the prosecuting agency has declined to file charges;

WHEREFORE, as Petitioner is otherwise in compliance with 22 O.S. §18, Petitioner prays that this Court will order the aforementioned records expunged and provide Petitioner with all the rights provided by 22 O.S. §19.

Respectfully Submitted,



ATTORNEYS FOR PETITIONER
LIEN CLAIMED PER 5 O.S. §6


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ORDER OF EXPUNGEMENT

This matter comes before me, the undersigned Judge, on [REDACTED] Petition to Expunge. This Court, having found that the harm to the privacy of the person in interest, and the dangers of unwarranted adverse consequences, outweigh the public and safety interests of the parties in retaining the records, does hereby find that the Defendant qualifies for relief per 22 O.S. §19. It is therefore ordered that all records identified below shall be expunged per 22 O.S. §18 & §19:

THESE PARTIES

- Oklahoma State Bureau of Investigation
- Oklahoma County Court Clerk
- Oklahoma County Sheriff's Department
- City of Oklahoma City Police Department
- City of Warr Acres Police Department
- Dept. of Corrections
- Pardon & Parole Board

EXPUNGE THESE RECORDS (IF APPLICABLE)

- [REDACTED] (Oklahoma Co.)
- [REDACTED] (Oklahoma Co.)
- Arrest/Reception on or about 11/13/2005
- Arrest/Reception on or about 09/01/2006
- Arrest/Reception on or about 08/22/2009
- Jail & booking records concerning listed item(s)
- Dept. of Corrections records at DOC # [REDACTED]
- Pardon & Parole Board records associated with Petitioner
- Any related "No File" or NF cases or records
- Any other criminal records related to the above.

1. **FURTHERMORE**, employers, educational institutions, state and local government agencies, officials, and employees shall not, in any application or interview or otherwise, require an applicant to disclose any information contained in these sealed records. Petitioner need not, in answer to any question concerning these arrest and criminal records, provide information that has been sealed, including any reference to or information concerning such sealed information and may state that no such action has ever occurred. Any such application may not be denied solely because of the Petitioner's refusal to disclose arrest and criminal records information that has been sealed;
2. **FURTHERMORE AS TO THE 08/22/2009 ARREST**, inspection of the records included in this Order may hereafter be permitted only upon Petition by the Petitioner, the Attorney General, or by the District Attorney, and released only to those persons and for such purposes named in such petition.
3. **FURTHERMORE AS TO THE REMAINING RECORDS**, records expunged herein shall be sealed to the public, but not to law enforcement agencies for law enforcement purposes. Records expunged herein shall be admissible in any subsequent criminal prosecution to prove the existence of a prior conviction or prior deferred judgment without the necessity of a court order requesting the unsealing of said records. Otherwise, inspection of the records included in this Order may hereafter be permitted only upon Petition by the Petitioner, the Attorney General, or by the District Attorney, and released only to those persons and for such purposes named in such petition. Any Pardon & Parole Board records expunged herein shall be sealed to the public but not to the Pardon & Parole Board.
4. **FINALLY**, the subject official actions shall be deemed never to have occurred, and the public, Petitioner, and all criminal justice agencies may properly reply, upon any inquiry in the matter, that no such action ever occurred and that no such record exists with respect to the Petitioner.

ORDERED ON _____

JUDGE OF THE DISTRICT COURT

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CERTIFICATE OF SERVICE

Per 22 O.S. §19(B), I certify that the parties below were served with Petitioner's filings. Additionally, per 19 O.S. §215.4 and §522, the District Attorney was served on behalf of the Court Clerk and the County Sheriff; and per 11 O.S. §22-103, the City Clerk was served on behalf of the City Police Dept., unless the City Police Dept. already has a specific service address. This Amended Certificate of Service is submitted for the following reasons: Court requested full name in caption per Local Rules.

REQUIRED PARTY: OSBI

Oklahoma State Bureau of Investigation
RE: Expungement
6600 N Harvey, Ste 300
Oklahoma City, OK 73116

**REQUIRED PARTY: ARRESTING AGENCY
CITY OF OKLAHOMA CITY POLICE DEPT.**

City of Oklahoma City Police Department
Office of the Municipal Counselor - Expungements
200 North Walker Ave
Oklahoma City OK 73102

**REQUIRED PARTY: ARRESTING AGENCY
CITY OF WARR ACRES POLICE DEPT.**

City of Warr Acres
RE: City Prosecutor Steven Barker
4301 N. Ann Arbor Ave
Warr Acres OK 73122

ELECTIVE PARTY: DEPT. OF CORRECTIONS

Department of Corrections
RE: Expungement
3400 N. Martin Luther King Ave.
Oklahoma City OK 73111

REQUIRED PARTY: PROSECUTING AGENCY

Oklahoma County District Attorney
RE: Expungement
320 Robert S. Kerr, Room 505 SC
Oklahoma City OK 73102

**ELECTIVE PARTY: JAILING AGENCY
OKLAHOMA COUNTY SHERIFF'S DEPT.**

Oklahoma County District Attorney
RE: Expungement
320 Robert S. Kerr, Room 505
Oklahoma City OK 73102

ELECTIVE PARTY: PARDON & PAROLE

The Pardon & Parole Board
RE: Expungement
2915 N. Classen Blvd, STE 405
Oklahoma City OK 73106

Respectfully Submitted

ATTORNEYS FOR PETITIONER
LIEN CLAIMED PER 5 O.S. §6

[REDACTED]