

IN THE COURT OF COMMON PLEAS OF LEHIGH COUNTY, PENNSYLVANIA
CRIMINAL

COMMONWEALTH OF PENNSYLVANIA)
) CP-39-CR-00000XX-XXXX
 vs.)
)
)
 XXXXX,)
 Defendant)

ORDER

AND NOW, this _____ day of _____, 2009, upon consideration of the within Petition and on Motion of Scott L. Williams, Esquire, Attorney for Defendant, it is ORDERED AND DECREED, that the criminal history record information, including DNA samples, photographs and fingerprints, relating to the arrest(s) detailed herein, be expunged in accordance with the provisions of the Criminal History Record Information (C.H.R.I.) Act, 18 Pa.C.S. §§ 9101 et seq., as directed on the reverse hereof:

Defendant's Name: XXXXX **Date of Birth:** XXXXX

SSN: XXXXX **OTN:** XXXXX

Lower Court Docket No.: CR-0000XXX-XX

Charges: 1. Theft By Unlawful Raking- Movable Property, 18 Pa. C.S.A. § 3921 (a); and 2. Receiving Stolen Property, 18 Pa. C.S.A. § 3925 (a).

Date of Arrest: XXXXX

Disposition: Placed into and completed Accelerated Rehabilitative Disposition (ARD).

Reason for Expungement: Defendant has complied with and satisfied all terms and conditions of the ARD program.

Clerk to serve Order on: Emmaus Borough Police Dept.
 PSP Central Repository Issuing Authority
 Defendant or counsel District Attorney

Petitioner's Current Address: XXXXX
Petitioner's Day Time Phone No.: XXXXX

BY THE COURT: _____, J.

IT IS SPECIFICALLY ORDERED THAT:

1. The Clerk of Courts--Criminal for Lehigh County shall:

- a. Serve one copy of the within Order on the defendant or the defendant's counsel.
- b. Serve certified copies of the within Petition and Order upon the arresting police agency, the Pennsylvania State Police Central Repository, and, if this Order involves expungement of a case or cases finalized in the Magisterial District Judge Courts (where there was a dismissal, discharge or other final disposition at the Magisterial District Judge level, and no bind-over or appeal to, or other disposition in a court of record), one copy of the Petition and Order for service upon the proper issuing authority or authorities.
- c. Serve one copy of the said Petition and Order on the Attorney for the Commonwealth, and,
- d Note the expungement on the records of the within case(s), if the case(s) were finally disposed of in the Court of Common Pleas.

2. The arresting police agency, upon receipt of a certified copy of the within Petition and Order from the Clerk of Courts shall:

- a. Note the expungement on the records of the within case(s) maintained by their department, and expunge from any local RAP sheets or their equivalent maintained by said police agency any reference to the within case(s); and
- b. Within thirty (30) days of receipt of this Petition and Order, file with the Clerk of Courts--Criminal for Lehigh County, a verification that paragraph 2 this Order has been complied with.

3. The Pennsylvania State Police Central Repository, upon receipt of a certified copy of the within Petition and Order from the Clerk of Courts shall:

- a. Expunge their records in accordance with this Order; and
- b. As required by the Criminal History Record Information Act, 18 Pa.C.S. § 9122 (d), "notify all criminal justice agencies which have received the criminal history record information to be expunged" of this expungement order; and
- c. Within thirty (30) days of receipt of this Petition and Order, file with the Clerk of Courts--Criminal for Lehigh County, a verification that paragraph 3 of this Order has been complied with.

4. The Attorney for the Commonwealth and any issuing authority, upon receipt of this Petition and Order shall note the expungement on the records of their offices, if any, relating to the case(s).

IN ACCORDANCE WITH THE C.H.R.I. ACT,

NOTHING IN THIS ORDER SHALL BE CONSTRUED TO REQUIRE:

A. The expungement of public records which are exempt from expungement by 18 Pa.C.S. § 9104 (e), namely, "[o]riginal records of entry compiled chronologically, including but not limited to, police blotters and press releases that contain criminal history record information and are disseminated contemporaneous with the incident", "[a]ny documents, records or indices prepared or maintained by or filed in any court of the Commonwealth, including but not limited to the minor judiciary", "[p]osters, announcements, or lists for identifying or apprehending fugitives or wanted persons", or "[a]nnouncements of executive clemency." 18 Pa.C.S. § 9104 (a).

B. The expungement of non-criminal history record information which is exempt from expungement by 18 Pa.C.S. § 9102, namely, intelligence information (defined in 18 Pa.C.S. § 9102 as "[i]nformation concerning the habits, practices, characteristics, possessions, associations or financial status of any individual"), investigative information (defined in 18 Pa.C.S. § 9102 as "[i]nformation assembled as a result of the performance of any inquiry, formal or informal, into a criminal incident or an allegation of

criminal wrongdoing and may include modus operandi information), including medical and psychological information, or information specified in 18 Pa.C.S. § 9104". (Other than as specified in 1, above, this includes: "[c]ourt dockets, police blotters [including any reasonable substitute therefor] and information contained therein").

C. The expungement of information required or authorized to be kept by the prosecuting attorney, the central repository and the court by 18 Pa.C.S. § 9122 (c), relating to diversion or pre-conviction probation programs such as Accelerated Rehabilitative Disposition.