

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

	)	
COMMONWEALTH OF PENNSYLVANIA	)	
	)	
vs.	)	Docket Number CP-39-CR-000XX-XXXX
XXXXXXXXXXXXXX	)	MDJ # CR-000XXXX-XX
	)	
Defendant	)	

**Motion to Expunge**

Defendant, XXXXXXXXXXXX., hereby moves the Court for an Order of Expungement, and in support thereof, represents as follows:

1. The Defendant's date of birth is XXXXX
2. The Defendant's Social Security Number is XXXXXXXXXXX
3. On 11/04/2006 , the Defendant was charged with 18 Pa.C.S. 2706(a)(1) Terroristic Threats W/Int to Terrorize Another; 18 Pa.C.S. 3304(a)(2) Crim Misch-Tamper W/Property; 18 Pa.C.S. 3502(a) Burglary; 18 Pa.C.S. 3503(a)(1)(ii) Crim Tres-Break Into Structure; 18 Pa.C.S.3921(a) Theft by Unlaw Taking-Moveable Prop; 18 Pa.C.S. 5503(a)(4) Disorder Conduct Hazardous/Physi Off.
4. At the time of the arrest, the Defendant was photographed, fingerprinted, and a record of the arrest was made by the Allentown Police Department.
5. The Offense Tracking Number (OTN) is KXXXXXXXX
6. The Magisterial District Court Number for this case is 31- X-XX
7. The Magisterial District docket number is CR-0000XXX-XX
8. The Common Pleas docket number is CP-39- CR-XXXX-XXXX

9. The charge(s) was disposed by a:

- Magisterial District Judge of Lehigh County
- Judge of the Lehigh County Court of Common Pleas

10. The charge(s) was disposed by the Court in the following manner

(please check the appropriate box):

- Defendant was placed on the ARD Program, and he/she successfully completed the prescribed program and complied with its conditions (Certification attached).
- Charge(s) was withdrawn or dismissed
- Defendant was found not guilty of the charge(s).
- Governor's Pardon (Copy Attached)
- Petitioner has reached 70 years of age and has been free of arrest or prosecution for ten years following final release from confinement or supervision.
- Defendant was convicted of a Summary Offense and he/she has been free of arrest or prosecution for five years following the conviction of that offense.

11. There exists no compelling interest or overriding societal interest in retaining and maintaining the aforementioned records, reports, and fingerprints of the **withdrawn charges**.

12. The presence of these **withdrawn** records will be harmful to the Defendant's reputation, and is likely to prejudice his employment and education.

13. Defendant should be entitled to a Wexler hearing since the withdrawn charges were terminated without convictions because the Commonwealth chose not to or could not bear its burden of proof beyond a reasonable doubt at trial. Commonwealth of Pennsylvania v. Chad Lutz, 2001 PA Super 331.

WHEREFORE, the Defendant respectfully requests this Honorable Court to order the expungement of all records pertaining to the aforementioned withdrawn charge(s) under 18 Pa.C.S.A. §9122.

RESPECTFULLY SUBMITTED:

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SCOTT L. WILLIAMS, Attorney for Defendant

VERIFICATION

The undersigned Defendant avers that the statements of fact combined in this Motion for Expungement are true and correct to the best of the Defendant's knowledge, information, and belief, and are made subject to the penalties of 18 PaC.S.A. §4904 relating to unsworn falsification to authorities.

\_\_\_\_\_  
Defendant's Signature

\_\_\_\_\_  
Date