

## **Susquehanna County Clerk of Courts Expungement Procedures**

**The following procedure is used to expunge an offense or case in the Clerk of Courts office. We have provided an example of a Rule, Motion for Dismissal of Charges (Set # 1), you may also need to file proof of ARD completion or completion of probation as an exhibit. This is the first set that must be filed in the Clerk of Courts office. After the Judge signs the Rule, the Clerk of Courts office will send you a certified copy of the motion and Rule for you to serve on the District Attorney. After you have served the Motion and Rule on the DA, you will need to file Proof of Service in the Clerk of Courts office. Note: Defendant must have a zero balance in order to process the paperwork for the expungement.**

**After 30 days from the Proof of Service, if no objections have been filed by the DA's office, you can file the final two orders (Set # 2). The Clerk of Courts will send the final 2 orders up to the Judge. Once the Judge signs the orders, we will proceed with sending out the expungement orders to the agencies involved and once we receive all the affidavits back from the agencies the case will then be expunged.**

**Please be sure to address each section of all motions and orders completely. Be aware that if the following procedure is not followed it will be returned. If you have any questions please feel free to contact the Clerk of Courts Office. Thank you in advance for your cooperation in these matters.**

COMMONWEALTH OF PENNSYLVANIA : IN THE COURT OF COMMON  
 : PLEAS  
 : SUSQUEHANNA COUNTY, PA  
 VS  
 : CRIMINAL DIVISION  
 DEFENDANT'S NAME : NO. - CR

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TO THE HONORABLE, KENNETH W. SEAMANS, JUDGE OF SAID  
 COURT:

MOTION FOR DISMISSAL OF CHARGES

The defendant, (defendant's name), through counsel, hereby moves for expungement of the charges associated with this case and represents as follows:

1. This motion for dismissal of charges is filed pursuant to Rule 319, Pa.R.Crim.P. effective April 1, 2001.
2. On (date), the petitioner was placed in the ARD program for a period of one (1) year by the Honorable Kenneth W. Seamans.
3. The certification of the person charged with supervising his/her program is attached hereto and made a part hereof and is marked Defendant's Exhibit "A". (see example)
4. The petitioner requests that all records associated with the formerly pending charges be expunged.
5. The within motion to be served upon the Susquehanna County District Attorney's office.

WHEREFORE, the petitioner prays for relief.

Respectfully submitted,

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Attorney for Defendant

COMMONWEALTH OF PENNSYLVANIA : IN THE COURT OF COMMON  
 : PLEAS  
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 : CRIMINAL DIVISION  
 DEFENDANT'S NAME : NO. - CR

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RULE

NOW TO WIT, this \_\_\_\_ day of \_\_\_\_\_, 200\_\_, it is hereby directed that a copy of the annexed Motion shall be served upon the Attorney for the Commonwealth who shall, within thirty (30) days after service, advise the court of any objections to the annexed Motion, serving a copy of any such objections on the Defendant or the Defendant's Attorney and it is hereby further ordered that if no objections be filed within said thirty day period, the charges against the Defendant under (Crimes/Vehicle Code), (list charge or charges here) are dismissed.

BY THE COURT:

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Kenneth W. Seamans, P.J.

COMMONWEALTH OF PENNSYLVANIA : IN THE COURT OF COMMON  
 : PLEAS  
VS : SUSQUEHANNA COUNTY, PA  
 : CRIMINAL DIVISION  
DEFENDANT'S NAME : NO. - CR

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ORDER

NOW TO WIT, this \_\_\_\_\_ day of \_\_\_\_\_, 200\_\_\_\_,  
service of the annexed Motion and Rule having been made upon the  
Commonwealth's counsel on \_\_\_\_\_ (date of service), and said  
Attorney having not advised the Court of any objections to the annexed  
Motion within thirty (30) days of service, it is hereby ORDERED that said  
charges against the Defendant as referred to in said Rule are to be  
expunged.

BY THE COURT:

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KENNETH W. SEAMANS, P.J.

SET #2

COMMONWEALTH OF PENNSYLVANIA : IN THE COURT OF COMMON  
 : PLEAS  
 : SUSQUEHANNA COUNTY, PA  
 VS  
 : CRIMINAL DIVISION  
 DEFENDANT'S NAME : NO. - CR

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ORDER

NOW TO WIT, this \_\_\_\_\_ day of \_\_\_\_\_, 200\_\_\_,  
upon consideration of the within, it be and hereby ordered that the Clerk  
of Courts of Susquehanna County, Susquehanna County District  
Attorney's Office, Magisterial District Justice (enter MDJ # here), (enter  
arresting agency here) and the Federal Bureau of Investigation are  
ordered to promptly expunge from their records and files, both official  
and unofficial, the arrest and all other criminal records pertaining to the  
defendant in reference to the above captioned matter.

The Clerk of Courts of Susquehanna County, Susquehanna  
County District Attorney's Office, Magisterial District Justice ( MDJ #),  
(arresting agency), and the Bureau of Investigation are also ordered to  
make a prompt request to any and all federal and state agencies to whom  
such records have been made available to either immediately return such  
records or destroy the same. The Clerk of Courts of Susquehanna  
County, Susquehanna County District Attorney's Office, Magisterial  
District Justice (MDJ #), (arresting agency), and the Bureau of  
Investigation are further ordered to file with the court, within thirty (30)  
days of today's date, an affidavit documenting that the aforesaid records  
have been expunged or destroyed, together with the court's expunging  
order, and no person,  
agency or entity shall be permitted to examine such sealed documents.  
The following information is included for purpose of expungement:

***(All information must be included or it will be rejected.)***

1. Defendant's Name:  
Date of Birth:  
Social Security Number:
2. OTN:
3. District Justice Docket Number:  
Magisterial District Number:
4. Court of Common Pleas Docket Number:
5. Specific Charges, as they appear on the charging document, to be expunged. (**VERY IMPORTANT!!!** If you do not list individually all of the defendant's charges to be expunged then they will only do a **PARTIAL** expungement and leave the remaining charges on the defendant's case - this would also mean any WD or DIS charges at the District Justice level that are not listed would also remain on the case if not listed.)
6. Date of Arrest:  
Arresting Agency:
7. Disposition:
8. Reason for Expungement:
9. Criminal Justice Agencies to be Served with this Order:
  1. Clerk of Courts of Susquehanna County
  2. Susquehanna County District Attorney's Office
  3. Magisterial District #
  4. Affiant
  5. AOPC
  6. PSP

BY THE  
COURT:

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Kenneth W. Seamans, P.J.