

In the \_\_\_\_\_ Court of \_\_\_\_\_, Arkansas

\_\_\_\_\_ Division

State of Arkansas

vs.

Case No. \_\_\_\_\_

DEFENDANT

\_\_\_\_\_  
(First, middle, and last name)

Petition to Dismiss and Seal under  
Act 346 of 1975 ACA §16-93-301 through 303

Comes the Defendant and for his/her petition to dismiss and seal the record states:

1. The defendant was arrested on the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, and charged with the offense(s) of

\_\_\_\_\_,  
in violation of A.C.A. § \_\_\_\_\_.

2. The defendant entered a plea of guilty or nolo contendere to the offense(s) of: \_\_\_\_\_, in violation of A.C.A. § \_\_\_\_\_, on the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_. (Cannot be a sexual offense as defined by ACA §5-14-101 et seq. in which the victim was under the age of eighteen years) (Offense or plea date must be after March 10, 1975.)

3. Prior to the date listed in 2 above, the defendant has not been convicted of a felony

4. With the defendant's consent and without entering a judgment of guilt, the court deferred further proceedings and placed the defendant on probation for a period of \_\_\_\_ year(s). (Cannot be less than one year)

5. **a.** The defendant was sentenced prior to July 31, 2007, to probation only. A fine or term of imprisonment was not imposed.

**b.** The defendant was sentenced after July 31, 2007, to probation and a fine of \_\_\_\_\_, (not more than \$3,500.00). A term of imprisonment was not imposed.

6. The defendant was sentenced under the provisions of Act 346 of 1975, A.C.A. § 16-93-301 through 303, which provides for the deferring of proceedings pending the defendant's conduct under the conditions of probation.

7. The defendant has not used Act 346 of 1975 before.

8. The defendant has satisfactorily fulfilled the terms and conditions of probation or has been released by the court prior to that time. The defendant has been rehabilitated.

The defendant requests that the court discharge him/her, dismiss this case and expunge the record.

The above information is true and correct to the best of the defendant's knowledge.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

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Signature of Defendant or Defendant's Attorney

Certificate of Service

I, \_\_\_\_\_, do hereby certify that a true and correct copy of the foregoing Petition has been provided to the Prosecuting Attorney (for the county in which the petition is filed) and the arresting agency by U.S. Mail, postage pre-paid, or hand-delivered this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

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Signature of Defendant or Defendant's Attorney

The following information is required for proper identification of the defendant in the state and national record systems:

Race \_\_\_\_\_ Arrest Tracking No. \_\_\_\_\_

Sex \_\_\_\_\_ SID No. \_\_\_\_\_ (if known)

DOB \_\_\_\_\_ FBI No. \_\_\_\_\_ (if known)

