

STATE OF NORTH CAROLINA
COUNTY OF _____

IN THE GENERAL COURT OF JUSTICE
SUPERIOR COURT DIVISION
FILE NO. _____

STATE OF NORTH CAROLINA)
)
v.)
)
-----)
)
Defendant)

**PETITION FOR WRIT
OF CERTIORARI**

NOW COMES, the Defendant, _____, by and through undersigned counsel, Anton M. Lebedev, and respectfully requests that this Honorable Court reviews the 2 March 2021 order of Duplin County District Court, denying the *Defendant's Petition and Order of Expunction Under G.S. 15A-146(a) or G.S. 15A-146(a1)*. In support of his petition, Defendant alleges the following:

STATEMENT OF FACTS AND PROCEDURAL HISTORY

1. On 15 March 2010, Defendant was charged with two misdemeanors: speeding 86mph in a 70mph zone and driving with an expired registration card.
2. On 18 May 2010, Defendant entered a responsible plea to speeding 77 mph in a 70mph zone, an infraction. The charge of driving with an expired registration card was dismissed.
3. On 31 January 2020, Defendant filed a petition seeking the expungement of the expired registration charge and the original speeding 86mph in a 70mph charge in Duplin County District Court.
4. On 2 March 2021, the petition was granted on the expired registration charge but was denied on the original speeding 86mph in a 70mph charge. In denying the expungement on the original speeding 86mph in a 70mph charge, the District Court reasoned that the original 86mph in a 70mph charge was not dismissed.

ARGUMENT

I. *Certiorari* is appropriate to review lower court orders denying expungement relief.

"The authority of a superior court to grant the writ of *certiorari* in appropriate cases is . . . analogous to the Court of Appeals' power to issue a writ of *certiorari*["] State v. Hamrick, 110 N.C. App. 60, 65, 428 S.E.2d 830, 832-33 (1993). As our Supreme Court long ago explained:

[T]he Superior Court will always control inferior magistrates and tribunals, in matters for which a writ of error lies not, by *certiorari*, to bring up their judicial

proceedings to be reviewed in the matter of law; for in such case “the *certiorari* is in effect a writ of error,” as all that can be discussed in the court above are the form and sufficiency of the proceedings as they appear upon the face of them. . . . It is . . . essential to the uniformity of decision, and the peaceful and regular administration of the law here, that there should be some mode for correcting the errors, in point of law, of proceedings not according to the course of the common law, where the law does not give an appeal; and, therefore, from necessity, we must retain this use of the *certiorari*.

State v. Tripp, 168 N.C. 150, 155, 83 S.E. 630, 632 (1914).

“*Certiorari* is a discretionary writ, to be issued only for good and sufficient cause shown.” State v. Grundler, 251 N.C. 177, 189, 111 S.E.2d 1, 9 (1959), cert. denied, 362 U.S. 917, 4 L. Ed. 2d 738 (1960). “A petition for the writ must show merit or that error was probably committed below.” Id. (citing In re Snelgrove, 208 N.C. 670, 672, 182 S.E. 335, 336 (1935)).

“Two things . . . should be made to appear on application for *certiorari*: First, diligence in prosecuting the appeal, except in cases where no appeal lies, when freedom from laches in applying for the writ should be shown; and, second, merit, or that probable error was committed” below. Snelgrove, 208 N.C. at 672, 182 S.E. at 336 (citation and quotation marks omitted). Our Supreme Court has interpreted “merit” in this context to mean that a petitioner must show “that he has reasonable grounds for asking that the case be brought up and reviewed on appeal.” Id.

Certiorari is the appropriate remedy to review lower court orders denying expungement relief. See State v. Frazier, 206 N.C. App. 306, 697 S.E.2d 467 (2010) (reversing grant of expunction when trial court erroneously applied statute to a conviction occurring before the effective date of the statute); In re Expungement for Kearney, 174 N.C. App. 213, 620 S.E.2d 276 (2005) (reversing order granting expunction of conviction and affirming expunction of dismissed charge); In re Robinson, 172 N.C. App. 272, 615 S.E.2d 884 (2005) (reversing erroneous expunction of multiple, unrelated offenses occurring over a period of years); In re Expungement for Spencer, 140 N.C. App. 776, 538 S.E.2d 236 (2000) (reversing order granting expunction to defendant who was over the age of twenty-one at the time of the offense); Order, State v. Neira, P19-380 (N.C. Ct. App. 3 Jul 2019) (granting *certiorari* to review order denying expungement petition). As the Defendant has shown probable error in the adjudication of the *certiorari* petition below, the writ of *certiorari* should issue. Snelgrove, 208 N.C. at 672, 182 S.E. at 336.

II. The District Court erred in denying the Defendant expungement relief.

The issue before this Court is one of statutory interpretation. “The primary goal of statutory construction is to effectuate the purpose of the legislature in enacting the statute.” Liberty Mut. Ins. Co. v. Pennington, 356 N.C. 571, 574, 573 S.E.2d 118, 121 (2002) (citations

omitted). “The legislative purpose of a statute is first ascertained by examining the statute’s plain language.” *Id.* at 574, 573 S.E.2d at 121 (quoting Correll v. Div. of Soc. Servs., 332 N.C. 141, 144, 418 S.E.2d 232, 235 (1992)). This Court gives the statute its plain meaning when the statutory language is clear, but when the meaning of the statute is ambiguous or unclear, this “must interpret the statute to give effect to the legislative intent.” Frye Reg’l Med. Ctr., Inc. v. Hunt, 350 N.C. 39, 45, 510 S.E.2d 159, 163 (1999) (citing Burgess v. Your House of Raleigh, Inc., 326 N.C. 205, 209, 388 S.E.2d 134, 136-37 (1990)). Moreover, when “a literal interpretation of the language of a statute will lead to absurd results, or contravene the manifest purpose of the Legislature, as otherwise expressed, the reason and purpose of the law shall control and the strict letter thereof shall be disregarded.” *Id.* at 45, 510 S.E. 2d at 163 (quoting Mazda Motors of Am., Inc. v. Sw. Motors, Inc., 296 N.C. 357, 361, 250 S.E.2d 250, 253 (1979)).

A remedial statute is one “[i]ntended to correct, remove, or lessen a wrong, fault, or defect.” Black’s Law Dictionary 1319 (8th Ed. 2004). An expunction statute is remedial in nature as it gives individuals convicted of crimes “a second chance by not experiencing many of the stigmas associated with a criminal [charge.]” Taylor v. State, 7 N.E.3d 362, 367 (Ind. Ct. App. 2014) (cited for persuasiveness). Because expunctions are remedial in nature they are subject to a rule of liberal, rather than strict, construction and interpretation. 3 Norman J. Singer & J.D. Shambie Singer, Sutherland Statutes and Statutory Construction, Chapter §60:1 (7th Ed. 2014).

The North Carolina Supreme Court has stated that remedial statutes are subject to liberal construction. “[I]f a statute is remedial in nature . . . it must be liberally construed to effectuate the intent of the legislature.” Misenheimer v. Burris, 360 N.C. 620, 623, 637 S.E.2d 173, 175 (2006) (quotation and citation omitted); see also O & M Indus. v. Smith Eng’g Co., 360 N.C. 263, 268, 624 S.E.2d 345, 348 (2006) (“[a] remedial statute must be construed broadly”).

Courts in other states have concluded that liberal construction should be applied to expunction statutes. Com. v. Giulian, 141 A.3d 1262, 1270 (Pa. 2016) (cited for persuasiveness); In re J.S., 223 N.J. 54, 84, 121 A.3d 322, 339 (2015) (cited for persuasiveness); In re Taliaferro, 856 N.W.2d 805, 808 (SD 2014) (cited for persuasiveness); Barker v. State, 62 Ohio St. 2d 35, 42, 402 N.E.2d 550, 555 (1980) (cited for persuasiveness); State v. Boniface, 369 So. 2d 115, 116 (La. 1979) (cited for persuasiveness); Cline v. State, 61 N.E.3d 360, 362 (Ind. Ct. App. 2016) (cited for persuasiveness); Thomas v. State, 916 S.W.2d 540, 543 (Tex. App. 1995) (cited for persuasiveness). The North Carolina Supreme Court has held that “liberal construction is that by which the letter of the statute is enlarged or restrained so as more effectually to accomplish the purpose intended.” Causey v. Guilford Cty., 192 N.C. 298, 135 S.E. 40, 46 (1926). Stated otherwise, liberal construction “makes the statutory rule or principle *apply to more things or in more situations* than would be the case under a strict construction.” Martinez v. State, 24 S.W.3d 10, 19 (Mo. Ct. App. 2000) (emphasis added) (cited for

persuasiveness). Because section § 15A-146 is remedial in nature, this Court should liberally construe that section to advance the remedy for which it was enacted. Causey, 135 S.E. at 46.

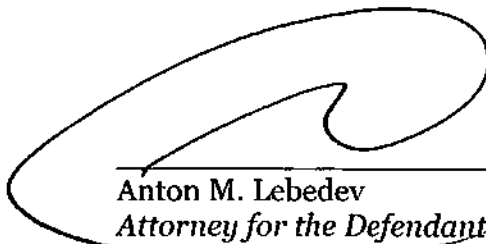
“If a person is charged with multiple offenses and any charges are *dismissed*, then that person or the district attorney may petition to have each of the *dismissed* charges expunged.” N.C. Gen. Stat. § 15A-146(a1). Speeding over 15 miles per hour is a misdemeanor. N.C. Gen. Stat. § 20-141(j1). On the other hand, speeding under 15 miles an hour is an infraction. N.C. Gen. Stat. § 20-141(b). The reduction of the misdemeanor charge to an infraction is tantamount to the dismissal of the greater charge. Section § 15A-146 thus applies to later reduced charges analogously as it does to strictly dismissed charges.¹

Consistent with the well-established legal principle that “[f]acts found under misapprehension of the law will be set aside on the theory that the evidence should be considered in its true legal light,” Helms v. Rea, 282 N.C. 610, 620, 194 S.E.2d 1, 8 (1973) (brackets in original) (quoting McGill v. Town of Lumberton, 215 N.C. 752, 754, 3 S.E.2d 324, 326 (1939), and citing Davis v. Davis, 269 N.C. 120, 127, 152 S.E.2d 306, 312 (1967); Owens v. Voncannon, 251 N.C.351, 355, 111 S.E.2d 700, 703 (1959); and In re Gibbons, 247 N.C. 273, 283, 101 S.E.2d 16, 23-24 (1957)), it is most appropriate to remand this matter to the District Court for further determinations.

CONCLUSION

WHEREFORE, this Honorable Duplin County Superior Court should allow the Defendant’s *certiorari* petition, vacate the order of the District Court denying the Defendant’s expungement petition, remand this matter to the District Court for further proceedings, and grant the Defendant any and all other relief that it deems just and proper given the circumstances at hand.

This the 6th day of March, 2021.



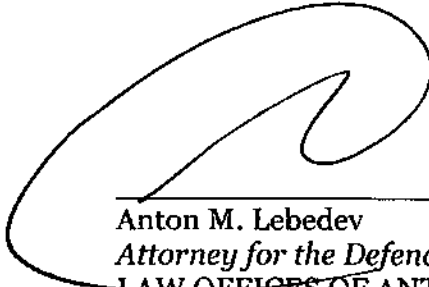
Anton M. Lebedev
Attorney for the Defendant
~~LAW OFFICES OF ANTON LEBEDEV~~
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F: (855) 203 5125
a.lebedev@lebedevesq.com

¹ Had the Defendant pled responsible to speeding pursuant to a separate statement of charges, this debate would not be happening. See N.C. Gen. Stat. § 15A-922. Nonetheless, this Court should not elevate form over substance.

VERIFICATION

I affirm, under the penalties for perjury, that the foregoing representation is true.

This the 6th day of March, 2021.

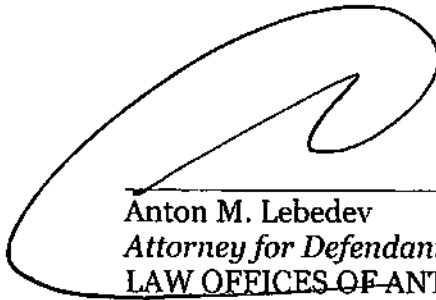


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a.lebedev@lebedevesq.com

CERTIFICATE OF FILING AND SERVICE

I hereby certify that the attached Petition for Writ of Certiorari and attachments were filed and served upon others by mailing a copy via U.S. Postal Service to:

THIS the 6th day of March, 2021.



Anton M. Lebedev
Attorney for Defendant
LAW OFFICES OF ANTON LEBEDEV
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Raleigh NC 27609
P: (240) 418 6750
F: (855) 203 5125
a.lebedev@lebedevesq.com

County _____ In The General Court Of Justice
 District Superior Court Division

STATE VERSUS
 Name And Address Of Petitioner (type or print full name)

**PETITION AND ORDER OF EXPUNCTION
 UNDER G.S. 15A-146(a) OR G.S. 15A-146(a1)
 (CHARGE(S) DISMISSED)**

Drivers License No _____ State **NC** Race **W** Sex **M**
 Date Of Birth **07/26/1991** Full Social Security No _____ Age At Time Of Offense _____

G.S. 15A-146, 15A-150
 Name And Address Of Petitioner's Attorney For Expunction Petition
ANTON M LEBEDEV
LAW OFFICES OF ANTON LEBEDEV
4242 SIX FORKS RD STE 1550
RALEIGH NC 27609

NOTE TO PETITIONER: List the arresting agency and any State or local government agency that has a record of your case. You must provide complete information for each agency. The clerk of superior court will send a copy of this order, if granted, to the agency name(s) and address(es) provided below. The clerk will not provide addresses for you. Do not list the courts, the State Bureau of Investigation, the Department of Public Safety or the Division of Motor Vehicles; if the order is granted, those agencies will be notified automatically. Do not list any private entity, like a company that provides criminal background checks. The clerk will not send a copy of this order to any entity that is not an agency of the State of North Carolina or one of its local governments. A private entity requires to expunge records will be notified directly by the State or local agencies that distribute criminal justice information to that entity.

Name And Address Of Arresting Agency: **STATE HIGHWAY PATROL**
 Name And Address Of Other Agency (if any): _____
 Name And Address Of Other Agency (if any): _____

Check here to indicate that additional agencies and/or additional file nos. and offenses are listed on an AOC-CR-285 form that is attached to this petition. (attach form)

File No. (s)	Date Of Arrest	Offense Description	Date Of Offense	Date Of Dismissal
	03/15/2010	EXPIRED REGISTRATION CARD/TAG	03/15/2010	05/18/2010

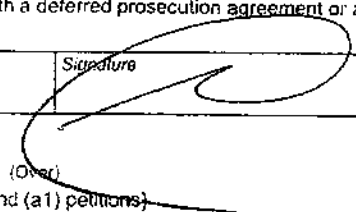
PETITION TO EXPUNGE

I hereby petition for an expunction pursuant to G.S. 15A-146(a) or (a1) and certify as follows:

- In this court of the county named above I was charged with (a) misdemeanor(s) or felony(ies) (or an infraction under G.S. 18B-302(i) prior to December 1, 1999), the file number(s) of which are set out above.
- The charge(s) listed above was/were disposed of by a dismissal.
- (if you are petitioning to expunge multiple dismissals under G.S. 15A-146(a1), check one of the following)
 - a. I was charged with multiple offenses and all of the charges were dismissed. I therefore am requesting the expunction of all the charges.
 - b. I was charged with multiple offenses, and while the charges listed above were dismissed, the following charges resulted in a conviction on the day of the dismissal or had not yet reached final disposition: pled guilty to speeding 77/70 mph (insert file no (s) and offense description(s) of charges that were not dismissed). I therefore am requesting the expunction only of the dismissed charges listed above, and not all of the charges.
4. There is a civil revocation record that resulted from the offense(s) I am seeking to expunge.

I certify that this petition has been filed in this case and that the information set forth above is a complete and accurate statement of the information on file in the office of the clerk of superior court.

No charge listed above was dismissed as the result of compliance with a deferred prosecution agreement or a conditional discharge and dismissal.
NOTE TO CLERK: If this box is checked, do not assess the \$175.00 fee.

Date: **01/31/2021** Name (type or print): **Anton Lebedev** Signature: 
 Petitioner Petitioner's Attorney

FINDINGS OF FACT

The Court makes the following findings of fact:

1. Petitioner was charged with those offenses indicated in the table on Side One.
2. Said charges were disposed of by a dismissal.
3. (if the defendant was charged with multiple offenses, check one of the following)

- a. The defendant was charged with multiple offenses, and all of the charges were dismissed.
- b. The defendant was charged with multiple offenses, and while the charges listed in the table on Side One were dismissed, there were additional charges that resulted in a conviction on the day of the dismissal or had not yet reached final disposition.

NOTE TO COURT: "If a person is charged with multiple offenses and any charges are dismissed, then that person or the district attorney may petition to have each of the dismissed charges expunged if the court finds that all of the charges were dismissed. The court shall order the expunction if the court finds that any charge resulted in a conviction on the day of the dismissal or had not yet reached final disposition the court may order the expunction of any charge that was dismissed." G.S. 15A-146(a1)

4. There is a civil revocation record that resulted from the offense(s) the petitioner is seeking to expunge.
5. Expunction of the dismissed offense(s) listed on Side One should should not be granted. If not, it is because:

ORDER

Therefore, the Court hereby **ORDERS**:

1. The petition is granted. It is ordered that any and all entries relating to the petitioner's apprehension, charge, trial, or conviction and any civil revocation of his/her drivers license resulting from the dismissed criminal charge shall be expunged from the records of the court. All law enforcement agencies, the Division of Adult Correction and Juvenile Justice of the Department of Public Safety, the Division of Motor Vehicles, and any other State or local government agency identified on Side One and on any AOC-CR-285 form that is attached to this petition shall expunge from all official records any entries relating to the person's charge, conviction, if any, and any civil revocation of his/her drivers license resulting from the dismissed criminal charge. No agency shall expunge a record of a civil revocation entered pursuant to G.S. 20-16.2, no agency shall expunge a record of a civil revocation prior to the final disposition of any pending civil or criminal charge based upon the civil revocation, and the Division of Motor Vehicles shall not expunge records for which expunction is otherwise prohibited by G.S. 15A-151.
2. For the reason(s) identified in Finding No. 5, the petition is denied.

NOTE TO CLERK: If denied, file this Order in the case file. Upon expiration of the deadline for appeal from a denial of this Order, destroy any documentation provided with the petition, such as a criminal history report. If granted, send a certified copy of this Order to the petitioner at the address listed on Side One or an updated address as provided by the petitioner.

Date 3/2/14	Name Of Presiding Judge (type or print) Hon. William M. Cameron	Signature Of Presiding Judge <i>William M. Cameron</i>
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CERTIFICATION BY CLERK

I hereby certify that this form is a true and complete copy of the original in this case, and if granted, a certified copy of this Order was sent on the date shown below to the petitioner, the State Bureau of Investigation, the Department of Public Safety, the Division of Motor Vehicles, and to the arresting agency and any other State or local government agency identified on Side One and on any attachment to this petition.

Date 3/3/14	Name (type or print) Amy Hrice	Signature Of Clerk <i>Amy Hrice</i>	<input checked="" type="checkbox"/> Dep. CSC <input type="checkbox"/> Asst. CSC <input type="checkbox"/> Clerk Of Superior Court
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SEAL

NOTE TO CLERK: If granted, always send a certified copy of this Order under seal to the petitioner, to all the agencies listed in Certification By Clerk above, and to the NCAOC. Send copies for the arresting agency and additional agencies to the addresses provided by the petitioner. Send SBI, DPS, DMV, and NCAOC copies to:

State Bureau of Investigation Attn: Expunction Unit PO Box 29500 Raleigh, NC 27626	NC Department of Public Safety Attn: Combined Records Section 4226 Mail Service Center Raleigh, NC 27699-4226	NC Division of Motor Vehicles, Driver and Vehicle Services, Driver Assistance Branch Attn: Hearings/Adjudication Unit 3118 Mail Service Center Raleigh, NC 27699-3118	NC Administrative Office of the Courts Court Services Attn: Records Officer PO Box 2448 Raleigh, NC 27602
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NOTE TO PETITIONER: If this petition is granted, the clerk of superior court will send you a certified copy of the final order for your records at the address listed on Side One. If you move, you must notify the clerk in writing of your change of address in order to receive a certified copy. After the case is expunged, the clerk of superior court will have no record of the case and will be unable to provide you with any documentation of the case. This includes the expunction order, it will be destroyed with the case file.

STATE OF NORTH CAROLINA

File No.

Scan No.(s) (Official Use Only)

County

In The General Court Of Justice
 District Superior Court Division

STATE VERSUS

**PETITION AND ORDER OF EXPUNCTION
 UNDER G.S. 15A-146(a) OR G.S. 15A-146(a1)
 (CHARGE(S) DISMISSED)**

G.S. 15A-146, 15A-150

Name And Address Of Petitioner (type or print full name)

Name And Address Of Petitioner's Attorney For Expunction Petition

ANTON M LEBEDEV
 LAW OFFICES OF ANTON LEBEDEV
 4242 SIX FORKS RD STE 1550
 RALEIGH NC 27609

Drivers License No.

State
 NC

Race
 W

Sex
 M

Date Of Birth

07/26/1991

Full Social Security No

Age At Time Of Offense

NOTE TO PETITIONER: List the arresting agency and any State or local government agency that has a record of your case. You must provide complete information for each agency. The clerk of superior court will send a copy of this order, if granted, to the agency name(s) and address(es) provided below. The clerk will not provide addresses for you. Do not list the courts, the State Bureau of Investigation, the Department of Public Safety, or the Division of Motor Vehicles; if the order is granted, those agencies will be notified automatically. Do not list any private entity, like a company that provides criminal background checks. The clerk will not send a copy of this order to any entity that is not an agency of the State of North Carolina or one of its local governments. A private entity required to expunge records will be notified directly by the State or local agencies that distribute criminal justice information to that entity.

Name And Address Of Arresting Agency
 STATE HIGHWAY PATROL

Name And Address Of Other Agency (if any)

Name And Address Of Other Agency (if any)

Check here to indicate that additional agencies and/or additional file nos. and offenses are listed on an AOC-CR-285 form that is attached to this petition. (attach form)

File No.(s)	Date Of Arrest	Offense Description	Date Of Offense	Date Of Dismissal
	03/15/2010	SPEEDING (86 mph / 70mph)	03/15/2010	05/18/2010

PETITION TO EXPUNGE

I hereby petition for an expunction pursuant to G.S. 15A-146(a) or (a1) and certify as follows:

- In this court of the county named above I was charged with (a) misdemeanor(s) or felony(ies) (or an infraction under G.S. 18B-302(f) prior to December 1, 1999), the file number(s) of which is/are stated above.
- The charge(s) listed above was/were disposed of by a dismissal.
- (if you are petitioning to expunge multiple dismissals under G.S. 15A-146(a1), check one of the following)

a. I was charged with multiple offenses, and all of the charges were dismissed. I therefore am requesting the expunction of all the charges.

b. I was charged with multiple offenses, and while the charges listed above were dismissed, the following charges resulted in a conviction on the day of the dismissal or had not yet reached final disposition: pled guilty to speeding 77/70 mph (insert file no. (s) and offense description(s) of charges that were not dismissed). I therefore am requesting the expunction only of the dismissed charges listed above, and not all of the charges.

4. There is a civil revocation record that resulted from the offense(s) I am seeking to expunge.

I certify that this petition has been filed in this case and that the information set forth above is a complete and accurate statement of the information on file in the office of the clerk of superior court.

No charge listed above was dismissed as the result of compliance with a deferred prosecution agreement or a conditional discharge and dismissal.
NOTE TO CLERK: If this box is checked, do not assess the \$175.00 fee.

Date: 01/31/2021 Name (type or print): Anton Lebedev Signature: [Signature] Petitioner Petitioner's Attorney

(Over)

FINDINGS OF FACT

The Court makes the following findings of fact:

1. Petitioner was charged with those offenses indicated in the table on Side One.
2. Said charges were disposed of by a dismissal.
3. (If the defendant was charged with multiple offenses, check one of the following)
 - a. The defendant was charged with multiple offenses, and all of the charges were dismissed.
 - b. The defendant was charged with multiple offenses, and while the charges listed in the table on Side One were dismissed, there were additional charges that resulted in a conviction on the day of the dismissal or had not yet reached final disposition.

NOTE TO COURT: If a person is charged with multiple offenses and any charges are dismissed, then that person or the district attorney may petition to have each of the dismissed charges expunged. If the court finds that all of the charges were dismissed, the court shall order the expunction. If the court finds that any charge resulted in a conviction on the day of the dismissal or had not yet reached final disposition the court may order the expunction of any charge that was dismissed * G. S. 15A-146(a1)

4. There is a civil revocation record that resulted from the offense(s) the petitioner is seeking to expunge.
5. Expunction of the dismissed offense(s) listed on Side One should should not be granted. If not, it is because:
Charge not dismissed.

ORDER

Therefore, the Court hereby **ORDERS:**

1. The petition is granted. It is ordered that any and all entries relating to the petitioner's apprehension, charge, trial, or conviction and any civil revocation of his/her drivers license resulting from the dismissed criminal charge shall be expunged from the records of the court. All law enforcement agencies, the Division of Adult Correction and Juvenile Justice of the Department of Public Safety, the Division of Motor Vehicles, and any other State or local government agency identified on Side One and on any AOC-CR-285 form that is attached to this petition shall expunge from all official records any entries relating to the person's charge, conviction, if any, and any civil revocation of his/her drivers license resulting from the dismissed criminal charge. No agency shall expunge a record of a civil revocation entered pursuant to G. S. 20-16.2, no agency shall expunge a record of a civil revocation prior to the final disposition of any pending civil or criminal charge based upon the civil revocation, and the Division of Motor Vehicles shall not expunge records for which expunction is otherwise prohibited by G. S. 15A-151.
2. For the reason(s) identified in Finding No. 5, the petition is denied.

NOTE TO CLERK: If denied, file this Order in the case file. Upon expiration of the deadline for appeal from a denial of this Order, destroy any documentation provided with the petition, such as a criminal history report. If granted, send a certified copy of this Order to the petitioner at the address listed on Side One or an updated address as provided by the petitioner.

Date <u>3/2/21</u>	Name Of Presiding Judge (type or print) <u>W. K. ...</u>	Signature Of Presiding Judge <u>[Signature]</u>
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CERTIFICATION BY CLERK

I hereby certify that this form is a true and complete copy of the original in this case, and if granted, a certified copy of this Order was sent on the date shown below to the petitioner, the State Bureau of Investigation, the Department of Public Safety, the Division of Motor Vehicles and to the arresting agency and any other State or local government agency identified on Side One and on any attachment to this petition.

Date <u>3/3/21</u>	Name (type or print) <u>[Signature]</u>	Signature Of Clerk <u>[Signature]</u>	<input checked="" type="checkbox"/> Dep. CSC <input type="checkbox"/> Assl. CSC <input type="checkbox"/> Clerk Of Superior Court
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SEAL

NOTE TO CLERK: If granted, always send a certified copy of this Order under seal to the petitioner, to all the agencies listed in Certification By Clerk above, and to the NCAOC. Send copies for the arresting agency and additional agencies to the addresses provided by the petitioner. Send SBI, DPS, DMV, and NCAOC copies to:

State Bureau of Investigation Attn: Expunction Unit PO Box 29500 Raleigh NC 27626	NC Department of Public Safety Attn: Combined Records Section 4226 Mail Service Center Raleigh, NC 27699-4226	NC Division of Motor Vehicles, Driver and Vehicle Services, Driver Assistance Branch Attn: Hearings/Adjudication Unit 3118 Mail Service Center Raleigh, NC 27699-3118	NC Administrative Office of the Courts Court Services Attn: Records Officer PO Box 2448 Raleigh, NC, 27602
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NOTE TO PETITIONER: If this petition is granted, the clerk of superior court will send you a certified copy of the final order for your records at the address listed on Side One. If you move, you must notify the clerk in writing of your change of address in order to receive a certified copy. After the case is expunged, the clerk of superior court will have no record of the case and will be unable to provide you with any documentation of the case. This includes the expunction order. It will be destroyed with the case file.