

MECKLENBURG County

In The General Court Of Justice
 District Superior Court Division

STATE VERSUS MECKLENBURG COUNTY
PETITION AND ORDER OF EXPUNCTION UNDER G.S. 15A-145(a) AND G.S. 15A-146

Name And Address Of Petitioner (Type Or Print)
 ASHUTOSH VIRMANI
 4626 CHARLESTOWNE MANOR DRIVE
 CHARLOTTE, NC 28211

FILED #17
APR 17 2015

G.S. 15A-145(a), 15A-146, 15A-150

Drivers License No. 8468156 State NC Race W Sex M
 Name And Address Of Petitioner's Attorney For Expunction Petition
 C. MELISSA OWEN
 TIN FULTON WALKER & OWEN- 704-338-1220
 300 EAST PARK AVENUE
 CHARLOTTE, NC 28203

Date Of Birth 08/06/1953 Full Social Security No. 364-80-3669
 Age At Time Of Offense CLERK SUPERIOR

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 Division of Adult Correction, 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
 CMPD
 601 EAST TRADE STREET
 CHARLOTTE, NC 28202

Name And Address Of Other Agency (If Any)

Name And Address Of Other Agency (If Any)

Check here to indicate that additional agencies are identified on an attachment to this petition. **NOTE:** The attachment **must** include the county, file number(s), the name of the petitioner, and a statement that it is a list of additional agencies with a record of the case(s) to be expunged.

File Nos.	Date Of Arrest	Offense Description	Date Of Offense	Disposition	Date Of Disposition/Conviction
14CR217660	05/07/2014	FELONY SECOND DEGREE RAPE	05/07/2014	VD	10/20/2014
14CR217662	05/07/2014	FELONY SECOND DEGREE SEXUAL OFFENSE	05/07/2014	VD	10/20/2014
14CR217663	05/07/2014	FELONY SECOND DEGREE SEXUAL OFFENSE	05/07/2014	VD	10/20/2014

I hereby move for an expunction pursuant to G.S. 15A-145(a) and certify as follows:

- I was convicted of (a) misdemeanor(s), other than a traffic violation, the file number(s) of which is/are set out above.
- At the time the offense was committed, I was under the age of 18 (or under the age of 21 if the offense was misdemeanor possession of alcohol in violation of G.S. 18B-302(b)(1)).
- I have not previously been convicted of any felony or misdemeanor, other than a traffic violation.
- Those affidavits and statements required by G.S. 15A-145(a) are incorporated and are attached.
- I have no outstanding restitution orders, or civil judgments representing amounts ordered for restitution, against me.
- I have served a copy of this form on the district attorney.
- There is a civil revocation record that resulted from the offense(s) I am seeking to expunge.

Service of this petition is accepted by the district attorney pursuant to statute: (Applies only to G.S. 15A-145.)
 Date Service Accepted Name Of Person Accepting Service (Type Or Print) Signature Of Person Accepting Service

I hereby move for an expunction pursuant to G.S. 15A-146 and certify as follows:

- 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 is/are set out above.
- The charge(s) listed above was/were disposed of by a dismissal, finding of not guilty or finding of not responsible.
- I have not previously been convicted of any felony.
- I have not previously received an expungement under G.S. 15A-145, -145.1, -145.2, -145.3, -145.4, or -145.5. I further (check one)
 - have not received a previous expungement under G.S. 15A-146.
 - have received a previous expungement under G.S. 15A-146, but the expungement occurred prior to October 1, 2005, and was for an offense that occurred within the same 12-month period of time, or was dismissed or findings made at the same term of court, as the offense(s) that is the subject of this motion.
- There is a civil revocation record that resulted from the offense(s) I am seeking to expunge.

I certify that this petition under the statute identified above and all affidavits required under that statute have 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. I hereby request and authorize a name-based State and national criminal record check by the NC Department of Justice and a search of the confidential record of expunctions maintained by the NC Administrative Office of the Courts.

This petition is not filed pursuant to G.S. 15A-145(a) and no charge listed above was dismissed as the result of compliance with a deferred prosecution agreement. **NOTE TO CLERK:** If this box is checked, do not assess the \$175.00 fee.

Date 10/23/2014 Name (Type Or Print) C. MELISSA OWEN Signature M. Owen by SEB
 Petitioner
 Petitioner's Attorney

REQUEST BY JUDGE

To The State Bureau Of Investigation, Attn: CIIS Expungement Unit, P.O. Box 29500, Raleigh, NC 27626:
 Please prepare, certify on the reverse side, and attach to this Request any Criminal History Record Information (CHRI) for the petitioner, then forward this Request with CHRI attached, confidentially to: Records Officer, Administrative Office of the Courts.
To The Records Officer, Administrative Office of the Courts, P.O. Box 2448, Raleigh, NC 27602:
 Complete the report on the reverse side and return it, along with the information attached by the SBI to the clerk of superior court.

Date 10/30/14 Name Of Presiding Judge (Type Or Print) Signature Of Presiding Judge

Vernon, A. [Signature]

CRIMINAL HISTORY RECORD INFORMATION

To Any Presiding Judge In The Above-Named County And Court: (Confidential)

I have conducted a search of the criminal records of the North Carolina State Bureau of Investigation and the Federal Bureau of Investigation, based on the information provided, which has not been verified by fingerprint comparisons, and certify that

- there is no criminal record for the petitioner other than the offense(s) identified on the reverse of this form.
- The Criminal History Record Information which is attached is a true and accurate statement of all information contained in the criminal records of the State and Federal Bureaus of Investigation for the petitioner identified on the reverse side of this form.

Date: Mar 19, 2015 SID No. NC1732628A Name Of SBI Official (Type Or Print) _____ Signature Of SBI Official *[Signature]*

REPORT BY ADMINISTRATIVE OFFICE OF THE COURTS

To Any Presiding Judge In The Above-Named County And Court: (Confidential)

I have searched the confidential file containing the names of all persons granted an expunction in North Carolina and certify that

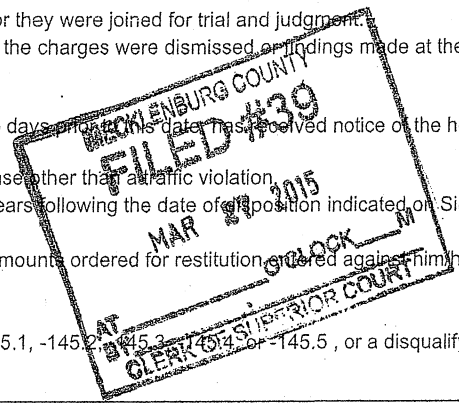
- there is no record under the name of the petitioner of any expunction under any statute of North Carolina.
- there is a record under the name of the petitioner identified on the reverse side and it is attached to this form.

Date: MAR 25 2015 Name Of Records Officer (Type Or Print) Sean G. Bunn Signature Of Records Officer *Sean G. Bunn*

FINDINGS OF FACT

After a hearing on the petition/motion, the Court makes the following findings of fact:

1. Petitioner was charged with those offenses indicated on Side One.
2. Said charges were disposed of as indicated in the Petition on Side One.
3. The above-referenced charges all arose out of the same occurrence or transaction or they were joined for trial and judgment.
4. The above-referenced charges occurred within the same 12-month period of time or the charges were dismissed or findings made at the same term of court. (*Applies only to G.S. 15A-146.*)
5. Petitioner is seeking an expungement under G.S. 15A-145(a).
 - The district attorney has been served with a copy of this petition at least ten (10) days prior to this date and has received notice of the hearing and has no objection. _____ (*Prosecutor's Initials*)
 - Petitioner has not previously been convicted of any felony or misdemeanor offense other than a traffic violation.
 - Petitioner was not convicted of any felony or misdemeanor during the first two years following the date of disposition indicated on Side One.
 - Petitioner provided affidavits as required by G.S. 15A-145(a).
 - Petitioner has no outstanding restitution orders or civil judgments representing amounts ordered for restitution entered against him/her.
6. Petitioner is seeking an expungement under G.S. 15A-146.
 - Petitioner has not previously been convicted of a felony.
 - Petitioner has not previously received an expungement under G.S. 15A-145, -145.1, -145.2, -145.3, -145.4, -145.5, or a disqualifying expungement under G.S. 15A-146.
7. Other: _____
8. Petitioner is is not eligible for expungement under G.S. 15A-145(a) G.S. 15A-146. If not eligible, 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 criminal charge shall be expunged from the records of the court. All law enforcement agencies, the Division of Adult Correction, the Division of Motor Vehicles, and any other State or local government agency identified on Side One and on any attachment to this petition shall expunge from all official records any entries relating to the person's conviction and any civil revocation of his/her drivers license resulting from the criminal charge. No agency shall expunge a record of a civil revocation entered pursuant to G.S. 20-16.2 or prior to 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. 8, 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 and any AOC report of prior expunctions.

Date: 4-7-15 Name Of Presiding Judge (Type Or Print) Sean P. Smith Signature Of Presiding Judge *[Signature]*

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 Division of Adult Correction, 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 _____ Name (Type Or Print) _____ Signature _____ Dept. CSC Asst. CSC Clerk Of Superior Court

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

NC Division of Adult Correction Combined Records 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 Records Officer - Court Services Division P.O. Box 2448 Raleigh, NC 27602
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NOTE TO PETITIONER: If this petition is granted, you should obtain a certified copy of the final order from the clerk of superior court for your records. 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. The clerk must charge a fee for certified copies.