

IN THE _____ COURT OF _____, ARKANSAS
_____ DIVISION

STATE OF ARKANSAS

PLAINTIFF

vs.

Case No. _____

(First, Middle, and Last name)

DEFENDANT

**ORDER TO DISMISS AND SEAL FIRST OFFENDERS UNDER
ACT 346 of 1975 ACA §16-93-301 through 303 and ACT 1460 OF 2013
A.C.A.16-90-1401, Et. Seq.**

Before the Court is the Petition of the Defendant to seal his/her record pursuant to Act 346 of 1975 and Act 1460 of 2013. The Court finds and orders as follows:

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

_____ A Class _____ felony misdemeanor 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 _____, _____.
3. The offense was not a sexual offense as defined by ACA §5-14-101 et seq. nor was it a serious felony involving violence nor a felony involving violence as provided in ACA §5-4-501.
4. The offense or plea date was after March 10, 1975.

5. Prior to the date listed in Paragraph 2 above, the defendant had not been convicted of a felony.
6. 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) but not less than one (1) year.
7.
 - a. The Defendant was sentenced prior to July 31, 2007, to probation only. A fine or term of imprisonment was not imposed; or
 - b. The defendant was sentenced after July 31, 2007, to probation and a fine of _____, but not more than \$3,500.00.
8. A term of imprisonment was not imposed on the Defendant.
9. 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.
10. Prior to the entry of this Order to Dismiss and Seal, this Court has made, or caused to be made, a query of the Arkansas Crime Information Center to determine if the Defendant had been previously convicted of a felony or previously been granted probation under Act 346 of 1975. The Defendant has not been granted relief nor been sentenced under Act 346 of 1975 before.
11. The Defendant has satisfactorily fulfilled the terms and conditions of probation or has been released by the court prior to that time.
12. The defendant **HAS** or **HAS NOT** been rehabilitated.
13. Defendant has no pending felony charges in any state or federal court; or
 Defendant has one or more pending felony charges in state or federal court and the status of that/those charges is/are as follows: _____

14. The Defendant has paid all filing fees required to be paid with the filing of this Petition mandated by A.C.A §16-90-1419.

IT IS, THEREFORE, by the Court, ORDERED that the Petition of the Defendant, _____, to Dismiss and Seal the above referenced conviction(s) pursuant to A.C.A. §16-93-301, et seq and ACT 1460 OF 2013 A.C.A. §16-90-1401, et. seq. should be, and hereby is GRANTED.

IT IS FURTHER ORDERED that the Clerk is directed to mail or transmit a certified copy of the ORDER to the Arkansas Crime Information, the Administrative Office of the Courts, the prosecuting and/or city attorney, the District Court Clerk, if applicable, and the arresting agency. Each of those agencies shall comply with the requirements of A.C.A. §16-90-1413 as it pertains to them.

Judge

Date

THE FOLLOWING INFORMATION IS REQUIRED FOR PROPER IDENTIFICATION OF THE DEFENDANT IN THE STATE AND NATIONAL RECORD SYSTEMS

Race _____ Arrest Tracking Number _____
Sex _____ SID No. _____
DOB _____ FBI No. (if known) _____