

IN THE _____ COURT OF _____, ARKANSAS

_____ DIVISION

STATE OF ARKANSAS

PLAINTIFF

vs.

Case No. _____

DEFENDANT

(First, Middle and Last name)

ORDER TO SEAL FELONY UNDER 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. 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 either pled guilty or nolo contendere or was found guilty in violation of A.C.A. § _____

A Class _____ felony misdemeanor on the _____ day of _____, _____.

3. The Defendant has completed his or her sentence for the felony and complied with all conditions of probation, if any, or has been released by the Court prior to their completion.
4. Defendant has paid all court costs unless payment has been excused by the Court.
5. Defendant has repaid all Court ordered restitution.

6. Defendant's felony conviction was **NOT** one of the following
- a . A Class Y, Class A or Class B felony except as provided in A.C.A.§16-90-1406;
 - b . Manslaughter (§5-10-104);
 - c . An unclassified felony where the maximum possible sentence of imprisonment is more than ten (10) years;
 - d . A felony sex offense;
 - e . A felony involving violence under §5-4-501 (d) (2);
 - f . A felony in which the Defendant served any portion of his or her sentence as an inmate with the Department of Corrections; or,
 - g . A felony traffic offense committed while the Defendant was the holder of a commercial learner's permit or commercial driver's license.
7. Defendant has had no more than one (1) prior felony before this conviction.
8. a. Defendant was convicted of a nonviolent Class C Felony or a nonviolent Class D Felony, or
- b. It has been at least five (5) years since Defendant has completed all of the requirements of his or her sentence, after a felony conviction other than one described in (a).
- c. It has been at least one (1) year since the Court denied a Petition to Seal for this conviction.
9. 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:
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10. Defendant IS or IS NOT required to register as a sex offender under the Sex Offender Registration Act of 1997 (A.C.A. §12-12-901, Et. Seq.)
11. The Defendant **HAS** or **HAS NOT** been rehabilitated.
12. The Court has considered the factors contained in A.C.A § 16-90-1415(b)(1) and finds there is clear and convincing evidence that granting the Defendant's Petition furthers the interests of justice.

IT IS, THEREFORE, by the Court, ORDERED that the Petition of the Defendant, _____, to seal the above referenced felony conviction(s) pursuant to A.C.A. §16-90-1406 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 Center, the Administrative Office of the Courts, the prosecuting attorney, the arresting agency, and both the city attorney and District Court Clerk, if applicable. 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 _____
Sex _____
DOB _____

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