

STATE OF SOUTH CAROLINA  
COUNTY/MUNICIPALITY OF \_\_\_\_\_

IN THE MAGISTRATE/MUNICIPAL COURT  
ORDER FOR DESTRUCTION OF ARREST RECORDS

THE STATE OF SOUTH CAROLINA

Race \_\_\_\_\_ Sex \_\_\_\_\_

DOB \_\_\_\_\_ SSN \_\_\_\_\_

vs.

SID # \_\_\_\_\_

Charges were disposed of in the court indicated below:

Magistrate  Municipal

Defendant \_\_\_\_\_

Address \_\_\_\_\_

AKA \_\_\_\_\_

IT APPEARS that, pursuant to Sections 17-22-950 and 17-1-40 of the South Carolina Code of Laws, the defendant is entitled to have all records relating to this offense expunged and destroyed at no cost to the defendant. Summary Court expungements pursuant to S.C. Code of Laws Section 17-22-950 have been preapproved by SLED.

Warrant/Ticket/ \_\_\_\_\_ Date of \_\_\_\_\_ Place of \_\_\_\_\_ County, S.C.  
Courtesy Summons \_\_\_\_\_ Arrest/Service \_\_\_\_\_ Arrest/Service \_\_\_\_\_

Warrant/Ticket/ \_\_\_\_\_ Date of \_\_\_\_\_ Place of \_\_\_\_\_ County, S.C.  
Courtesy Summons \_\_\_\_\_ Arrest/Service \_\_\_\_\_ Arrest/Service \_\_\_\_\_

Charge(s) \_\_\_\_\_

The above charge is eligible for expungement because it is a summary level offense and:

- The charge was dismissed on \_\_\_\_\_ (Date).
- The charge was *not* *prossed* on \_\_\_\_\_ (Date).
- The defendant was found not guilty on \_\_\_\_\_ (Date).
- The defendant was charged pursuant to Section 34-11-90, made restitution, and paid the administrative fee to the County resulting in a dismissal on \_\_\_\_\_ (Date).

IT IS ORDERED that all records relating to such arrest/court summons and subsequent discharge pursuant to the above-referenced section be dismissed, expunged and immediately destroyed and that no evidence of such records pertaining to such charge shall be retained by any municipal, county or state agency except nonpublic information retained by SC Law Enforcement Division (SLED).

Signed this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_

\_\_\_\_\_  
Summary Court Judge

\_\_\_\_\_  
Prosecutor/ Prosecuting Officer/ Affiant (Circle One)  
(To Verify Accuracy of Disposition)

Expunged by SLED by: \_\_\_\_\_ Date: \_\_\_\_\_ (For SLED internal use only)

# APPLICATION FOR EXPUNGEMENT

Please **PRINT** all information and sign your name.

Current legal name: \_\_\_\_\_

Name as it appears on warrant/ticket: \_\_\_\_\_

(Name may include maiden name, alias, nickname)

Race \_\_\_\_\_ Sex \_\_\_\_\_

DOB \_\_\_\_\_ SSN \_\_\_\_\_

Address: \_\_\_\_\_

City/State/Zip: \_\_\_\_\_

Phone #: Home: \_\_\_\_\_ Work: \_\_\_\_\_ Cell: \_\_\_\_\_

**Case # (s) / Case Description(s):** \_\_\_\_\_

An application does not guarantee that I may have a charge removed from my criminal records. I understand that the only charges that may be expunged in the magistrate court are charges that have been adjudicated as dismissed, nolle prossed, or not guilty.

I understand that if I qualify, that I will be mailed a certified copy of the Order to maintain for my own records. **I understand that once it is executed (completed by the Court) that no further information will be available to me through the Court. I have verified the above information and it is correct.**

Date: \_\_\_\_\_ Defendant Signature: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
Officer / Prosecutor / Affiant Name:

The prosecuting agency or appropriate law enforcement agency may object, in writing to this Expungement within 30 days of notification.

**Office use only:** Mailed to Officer Yes or No (circle one)

Court date and time: \_\_\_\_\_ SID \_\_\_\_\_

Presiding Judge: \_\_\_\_\_ Disposition: \_\_\_\_\_

Attorney of Record: \_\_\_\_\_ Solicitor: \_\_\_\_\_

4/5/2012

STATE OF SOUTH CAROLINA )  
 COUNTY/CITY OF \_\_\_\_\_ )  
 )  
 THE STATE OF SOUTH CAROLINA )  
 )  
 )  
 vs. )  
 )  
 )  
 \_\_\_\_\_ )  
 Defendant )  
 )  
 \_\_\_\_\_ )  
 AKA )

**IN THE MAGISTRATE/MUNICIPAL COURT  
 ORDER FOR DESTRUCTION OF ARREST RECORDS**

Race \_\_\_\_\_ Sex \_\_\_\_\_  
 DOB \_\_\_\_\_ SSN \_\_\_\_\_  
 SID # \_\_\_\_\_

Charges were disposed of in the court indicated below:  
 Magistrate  Municipal

IT APPEARS that, pursuant to Sections 17-22-950 and 17-1-40 of the South Carolina Code of Laws, the defendant is entitled to have all records relating to this offense expunged and destroyed at no cost to the defendant. Summary Court expungements pursuant to S.C. Code of Laws Section 17-22-950 have been preapproved by SLED.

Date of Arrest/Service \_\_\_\_\_ Place of Arrest/Service \_\_\_\_\_ County, S.C.

Case # (s) / Case Description(s): \_\_\_\_\_

The above charge(s) is eligible for expungement because it is a summary level offense and:

On: \_\_\_\_\_

- The charge was dismissed.
- The charge was *not prossed*.
- The defendant was found not guilty.
- The defendant was charged pursuant to Section 34-11-90, made restitution, and paid the administrative fee to the County resulting in a dismissal.

IT IS ORDERED that all records relating to such arrest/court summons and subsequent discharge pursuant to the above-referenced section be dismissed, expunged and immediately destroyed and that no evidence of such records pertaining to such charge shall be retained by any municipal, county or state agency except nonpublic information retained by SC Law Enforcement Division (SLED).

Signed this \_\_\_\_\_ day of \_\_\_\_\_

\_\_\_\_\_  
 Summary Court Judge

\_\_\_\_\_  
 Arresting Officer / Prosecutor / Affiant (circle one)  
 (To Verify Accuracy of Disposition)

Expunged by SLED by: \_\_\_\_\_ Date: \_\_\_\_\_ (For SLED internal use only)

## Expungement Order Worksheet

Defendant's name:

Ticket Number(s):

Case Disposition Date:

Case Disposition Judge:

- Defendant
- Defendant's attorney:
- Arresting agency name:
- DMV
- Prosecuting Attorney:
  
- Detention Center Bond Hearing Date:
- SLED - Bond Hearing Date:
- Bond Court - Bond Hearing Date:  
Bond Set Judge:
  
- Out of County agency \_\_\_\_\_  
(jail, police agency, magistrate, BC) \_\_\_\_\_  
\_\_\_\_\_
  
- Magistrate issuing warrant if different than BC \_\_\_\_\_

\_\_\_\_\_ **TOTAL COPIES TO MAKE** (total number of X's)

***The marked locations are to receive a certified or true copy of the Order.***

Docket expunged      Yes / No (circle one)

Expunged in CMS      Yes / No (circle one)

Ticket/warrant/other paperwork destroyed      Yes / No (circle one)

*Original Order filed in Court non-public records.*

STATE OF SOUTH CAROLINA )  
COUNTY/CITY OF )  
THE STATE OF SOUTH CAROLINA )  
) vs. )  
\_\_\_\_\_  
Defendant )  
\_\_\_\_\_  
AKA )

**IN THE MAGISTRATE/MUNICIPAL COURT  
EXPUNGEMENT OBJECTION TRANSMITTAL**

Race \_\_\_\_\_ Sex \_\_\_\_\_  
DOB \_\_\_\_\_ SSN \_\_\_\_\_  
SID # \_\_\_\_\_

Charges were disposed of in the court indicated below:

Magistrate  Municipal

The summary court has initiated, on the defendant's behalf, an Order of Expungement to have all records relating to this offense expunged and destroyed pursuant to South Carolina Code of Laws, Sections 17-22-950 and 17-1-40.

Date of Arrest/Service \_\_\_\_\_ Place of Arrest/Service \_\_\_\_\_ County, S.C.

Case # (s) / Case Description(s):

The above charge(s) was disposed on:

- The charge was dismissed.
- The charge was *not prossed*.
- The defendant was found not guilty.
- The defendant was charged pursuant to Section 34-11-90, made restitution, and paid the administrative fee to County resulting in a dismissal.

**, Arresting Officer / Prosecutor / Affiant (circle one), filed a written objection (copy attached) to the expungement of this record based on the following statutory basis:**

- The accused person has other charges pending
- The prosecuting agency or the appropriate law enforcement agency believes that the evidence in the case needs to be preserved; or
- The accused person's charges were dismissed as a part of a plea agreement.

South Carolina Code of Laws Section 17-22-950(A) requires that in the event an objection is filed, the court of General Sessions must determine whether to allow the record to be expunged. I provide the following documentation to the Circuit Court for a determination as to whether the charge(s) should be expunged.

Signed this \_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_  
Summary Court Judge

ORDER OF THE CIRCUIT COURT JUDGE

A hearing was held in the above-referenced matter on the \_\_\_ day of \_\_\_\_\_, \_\_\_\_\_. Present at the time of the hearing were \_\_\_\_\_ Based on the testimony, evidence, and record in this case, this court finds the following:

- The above listed offense(s) shall be expunged by the summary court.
- The above listed offense(s) shall not be expunged.

Date: \_\_\_\_\_

Circuit Court Judge \_\_\_\_\_

STATE OF SOUTH CAROLINA  
COUNTY OF \_\_\_\_\_  
THE STATE OF SOUTH CAROLINA

IN THE MAGISTRATE/MUNICIPAL COURT  
EXPUNGEMENT OBJECTION

Vs.

Race: \_\_\_\_\_ Sex: \_\_\_\_\_ Age: \_\_\_\_\_  
DOB: \_\_\_\_\_ SSN: \_\_\_\_\_  
SID# : \_\_\_\_\_ Address: \_\_\_\_\_  
City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Charges were disposed of in the court indicated below

\_\_\_\_\_  
Defendant

Magistrate       Municipal

AKA

The summary court has initiated, on the defendant's behalf, an Order of Expungement to have all records relating to this offense expunged and destroyed pursuant to South Carolina Code of Laws, Section 17-22-950 and 17-1-40

Warrant / Ticket \_\_\_\_\_ Date of \_\_\_\_\_ Place of \_\_\_\_\_  
Courtesy Summons \_\_\_\_\_ Arrest / Service \_\_\_\_\_ Arrest / Service \_\_\_\_\_ County, S.C.

Warrant / Ticket \_\_\_\_\_ Date of \_\_\_\_\_ Place of \_\_\_\_\_  
Courtesy Summons \_\_\_\_\_ Arrest / Service \_\_\_\_\_ Arrest / Service \_\_\_\_\_ County, S.C.

Arrest Charge(s) \_\_\_\_\_

- The defendant was found not guilty on \_\_\_\_\_
- The charge(s) listed above were dismissed on \_\_\_\_\_
- The charge(s) listed above were nol prossed on \_\_\_\_\_
- The defendant was charged pursuant to Section 34-11-90, made restitution, and then paid the administrative fee to the County resulting in a dismissal on \_\_\_\_\_

\_\_\_\_\_  
(name) of \_\_\_\_\_ (organization) filed a written objection (copy attached) to the expungement of this record based on the following statutory basis:

- The accused person has other charges pending
- The prosecuting agency or the appropriate law enforcement agency believes that the evidence in the case needs to be preserved; or
- The accused person's charges were dismissed as a part of a plea agreement.

South Carolina Code of Laws Section 17-22-950 (A) requires that in the event an objection is filed, the court of General Sessions must determine whether to allow the record to be expunged. I provide the following documentation to the Circuit Court for a determination as to whether the charge(s) should be expunged.

Signed this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_  
\_\_\_\_\_  
Summary Court Judge

## EXPUNGMENT CHECKLIST

Defendant: \_\_\_\_\_

Date of Incident: \_\_\_\_\_

Charge(s): \_\_\_\_\_

\_\_\_\_\_ Computer program

\_\_\_\_\_ Jury Trial paperwork (Pretrial Conf. letters & schedules, subpoenas, verdict forms, dockets)

\_\_\_\_\_ Subpoenas

\_\_\_\_\_ Original & any copies of ticket or warrant and arrest docket

\_\_\_\_\_ Bond/arraignment paperwork (original & copies)

\_\_\_\_\_ Court docket(s) – name blacked out

\_\_\_\_\_ Name added to master list

\_\_\_\_\_ Other documents not listed above

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_ Mailed on \_\_\_\_\_

Documents expunged on: \_\_\_\_\_

Documents expunged by: \_\_\_\_\_