

AOC-496.3 Doc Code: AFEX
Rev. 7-16
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Commonwealth of Kentucky
Court of Justice *www.courts.ky.gov*
KRS 431.073; 431.079



**APPLICATION TO VACATE AND
EXPUNGE FELONY CONVICTION**

Case No. _____
Court _____
County _____
Division _____

COMMONWEALTH OF KENTUCKY
VS.

PLAINTIFF

_____ NAME

DEFENDANT

_____ ADDRESS

() _____ PHONE NUMBER Jail ID Number _____ (optional)

Defendant's Birthdate: _____ Defendant's SSN: _____ Violation/Arrest Date: _____

Comes now the Defendant herein and moves this Court, pursuant to KRS 431.073, to vacate the conviction and expunge the following offense(s) in the above-referenced case: *(If there are non-felony charges in the same case to be expunged, list as well.)*

CHARGE: _____

CHARGE: _____

CHARGE: _____

CHARGE: _____

CHARGE: _____

CHARGE: _____

In support of this Application, the Defendant states as follows:

1. The Defendant was charged with or convicted of the offense(s) listed above.
2. The above-stated offense(s) is/are eligible to be vacated and expunged pursuant to KRS 431.073 or the defendant has been granted a full pardon by the Governor, a copy of which is attached.
3. The Defendant has not, in the five (5) years prior to the filing of this Application, been convicted of a felony or misdemeanor.
4. No proceeding concerning a felony or misdemeanor is pending or being instituted against the Defendant.
5. This Application is filed no sooner than five (5) years after completion of the Defendant's sentence or successful completion of the defendant's probation or parole, whichever occurs later.
6. The Defendant has not previously had a felony conviction vacated and expunged pursuant to KRS 431.073.

List the names of all victims of the crimes listed above (if known):

Victims: _____

The Defendant moves that this Application to Vacate and Expunge a Felony Conviction be granted and that this Court enter an Order that the Kentucky State Police, the Kentucky Department of Libraries and Archives, and the following agencies expunge any records in the agencies' custody regarding these charges: **LIST AGENCIES AND ADDRESSES HERE:**

I hereby state that the information provided above is true and accurate to the best of my knowledge.

Note: Defendant/Petitioner must sign this application **in the presence of** a notary **or** the circuit court clerk so that the notary/clerk can witness his/her signature.

Date: _____, _____.
_____ Defendant/Petitioner Signature

Subscribed and sworn to before me by _____
this _____ day of _____, _____.

Notary/Clerk

My commission expires: _____, _____ By: _____ D.C.

THERE IS A \$500 FEE PER CASE, PAYABLE AT THE TIME OF FILING. THE CLERK CANNOT TAKE YOUR APPLICATION WITHOUT PROPER PAYMENT OF THE FEE. IF AN EXPUNGEMENT ORDER IS NOT GRANTED, \$50.00 OF THIS FEE IS NOT REFUNDABLE. A COPY OF YOUR CURRENT EXPUNGEMENT ELIGIBILITY CERTIFICATION MUST BE ATTACHED TO THIS APPLICATION.

NOTICE TO COMMONWEALTH/COUNTY ATTORNEY

Pursuant to KRS 431.073(2), the office of the Commonwealth's Attorney or County Attorney who prosecuted the case shall file a response to this Application within sixty (60) days after being served with this notice. An extension may be granted for good cause, but a hearing on the application shall occur no later than one hundred twenty 120 days following the filing of the application. The office of the Commonwealth or County Attorney shall notify the victim of the crime if there was an identified victim.

FOR CLERK USE ONLY

This Application to Vacate and Expunge a Felony Conviction was sent on the _____ day of _____, _____, to the Commonwealth or County Attorney who prosecuted the case and the County Attorney of the County where the Judgment was entered.

Clerk

By: _____ D.C.