

IN THE CIRCUIT COURT OF THE SECOND JUDICIAL CIRCUIT
LEON COUNTY, STATE OF FLORIDA

State of Florida,
Plaintiff,

v.

Case #: _____

Defendant.

PETITION TO EXPUNGE – HUMAN TRAFFICKING VICTIM

Petitioner, _____, by and through the undersigned attorney, petitions this honorable court, under Florida Rule of Criminal Procedure 3.692 and section 943.0583, Florida Statutes, to expunge all criminal history record information in the custody of any criminal justice agency and the official records of the court concerning the petitioner's arrest and/or conviction on _____ (date), by _____ (arresting agency and/or prosecuting authority), for _____ (charges and/or offenses), and as grounds therefor shows:

1. On _____ (date(s)), Petitioner, _____, a _____ (race/sex), whose date of birth is _____, was arrested by _____ (arresting agency),

and charged with _____

or was convicted by _____

(name of prosecuting authority) of _____

(offenses).

2. Petitioner has been the victim of human trafficking, as discussed in section 787.06, Florida Statutes, and has committed an offense, other than those offenses listed in 775.084(1)(b)1, which was committed as a part of a human trafficking scheme of which he/she was the victim or at the direction of an operator of the scheme as evidenced by the attached official documentation of his/her status, or may be shown by clear and convincing evidence presented to the Court.

WHEREFORE, Petitioner moves to expunge any criminal history record information and any official court records regarding his/her arrest and/or conviction by _____ (arresting agency and/or name of prosecuting authority), for _____ (charges and/or offenses) on _____ (date(s)).

I HEREBY CERTIFY that a true and correct copy of the foregoing pleading has been served on (name of prosecuting authority - check one):
_____ State Attorney for the Second Judicial Circuit, in and for Leon County; _____ Special Prosecutor; or _____ Statewide Prosecutor; and

_____ (arresting agency) or
_____ (Sheriff of county in which
defendant was arrested, if different); and the Florida Department of Law
Enforcement, on _____ (date).

Signature

Name: _____

Address: _____

City/State: _____

Telephone Number: _____

Email Address: _____

Fla. Bar #: _____

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AFFIDAVIT/HUMAN TRAFFICKING VICTIM

State of Florida

County of _____

I, _____ (name of
defendant/petitioner), am the defendant/petitioner in this case and swear or
affirm that:

1. I fully understand the meaning of all of the terms of this affidavit.
2. I have been the victim of human trafficking, as discussed in section 787.06, Florida Statutes, and have committed an offense, other than those offenses listed in 775.084(1)(b)1, which was committed as a part of a human trafficking scheme of which I was the victim or at the direction of an operator of the scheme.

3. I was arrested and/or convicted on _____ (date(s)),
by _____ (arresting agency and/or
name of prosecuting authority).

4. I am eligible for the relief requested, to the best of my knowledge and
belief, and (select one) do / do not have any other petition to expunge
or seal pending before any court.

Petitioner

Sworn to and subscribed before me on _____ (date).

NOTARY PUBLIC, or other person
authorized to administer an oath

Printed, typed, or stamped
commissioned name of Notary Public

_____ Personally known or _____ produced Identification (type of
identification produced _____)

My commission expires:

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LEON COUNTY, STATE OF FLORIDA

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Defendant.

**ORDER TO EXPUNGE, HUMAN TRAFFICKING VICTIM, UNDER
SECTION 943.0583, FLORIDA STATUTES,
AND FLORIDA RULE OF CRIMINAL PROCEDURE 3.692**

THIS CAUSE, having come on to be heard before me this date upon a petition to expunge certain records of the petitioner's arrest and/or conviction on _____ (date(s)), by _____ (arresting agency and/or name of prosecuting authority), for _____ (charges and/or offenses), and the court having heard argument of counsel and being otherwise fully advised in the premises, the court hereby finds the following:

The petitioner has been the victim of human trafficking, as discussed in section 787.06, Florida Statutes, and has committed an offense, other than those offenses listed in section 775.084(1)(b)1, which was committed as a part of a human trafficking scheme of which he/she was the victim, or at the direction of an operator of the scheme.

Whereupon it is

ORDERED AND ADJUDGED that the petition to expunge is granted. All court records pertaining to the above-styled case shall be sealed in accordance with the procedures set forth in Florida Rule of Criminal Procedure 3.692; and it is further

ORDERED AND ADJUDGED that the clerk of this court shall forward a certified copy of this order to the (check one) _____ state attorney, _____ special prosecutor, _____ statewide prosecutor; _____ (arresting agency); and the Sheriff of Leon County, who will comply with the procedures set forth in section 943.0583, Florida Statutes, and appropriate regulations of the Florida Department of Law Enforcement, and who will further forward a copy of this order to any agency that their records reflect has received the instant criminal history record information; and it is further

ORDERED AND ADJUDGED that _____ (arresting agency) shall expunge all information concerning indicia of arrest, conviction, or criminal history record information regarding the arrest, conviction, or alleged criminal activity to which this petition pertains in accordance with the procedures set forth in section 943.0583, Florida Statutes, and Florida Rule of Criminal Procedure 3.692.

All costs of certified copies involved herein are to be borne by the _____.

DONE AND ORDERED in Chambers at Leon County, Florida, on _____ (date).

Circuit Court Judge