

# CITY COURT OF PORT ALLEN

WARD III - PARISH OF WEST BATON ROUGE

William T. Kleinpeter  
JUDGE

Ashley E. Woods  
CITY PROSECUTOR



Chrissy C. Simoneaux  
CLERK OF COURT

Michael A. Zito  
CITY MARSHAL

## EXPUNGEMENT INSTRUCTIONS

### **Motion for Expungement – Form Exp 5-1(L)**

#### **Arrest that DID NOT result in conviction:**

- a. Time expired for prosecution;
- b. Not prosecuted for any offense arising out of this charge;
- c. Pre-Trial Diversion Program
- d. DWI Pre-Trial Diversion Program and 5 years have elapsed since the date of arrest;
- e. Charges dismissed, or
- f. Found not guilty/judgment of acquittal.

#### **Misdemeanor Convictions:**

- a. Conviction was set aside or dismissed pursuant to C.Cr.P. Art. 895(B), or
- b. More than 5 years have passed since completion of sentence.

---

### **FEES:**

ALL FEES MUST BE PAID BY CERTIFIED CHECK OR MONEY ORDER AND ARE NON-REFUNDABLE EVEN IF EXPUNGEMENT IS DENIED. SEPARATE CHECKS/MONEY ORDERS MUST BE ISSUED TO THE FOLLOWING:

- |  |          |
|--|----------|
| 1. City Court of Port Allen  | \$100.00 |
| 2. Louisiana Bureau of Criminal Identification   | \$250.00 |
| 3. Louisiana Department of Public Safety and Corrections<br>(Applies to Traffic or DWI only) | \$50.00  |

---

### **TO OBTAIN AN EXPUNGEMENT AT NO COST THE FOLLOWING MUST APPLY:**

Applicant will not be required to pay filing fees if he obtains a Certificate of Fee Waiver from the District Attorney's Office, stating that the applicant has no felony convictions or pending felony charges under a bill of information or indictment and at least one of the following applies:

- a. Applicant was acquitted, after trial, of all charges derived from the arrest, including any lesser offense;
- b. The district attorney consents and the case against the applicant was dismissed or the district attorney declined to prosecute the case prior to the time limitations prescribed in Chapter 1 to Title XVII of the Code of Criminal Procedure, and the applicant did not participate in a pre-trial diversion program;
- c. The applicant was arrested and not prosecuted within the time limitations prescribed in Chapter 1 of Title XVII of the Code of Criminal Procedure and did not participate in a pretrial diversion program;
- d. The applicant was determined to be factually innocent and entitled to compensation for a wrongful conviction pursuant to the provisions of La.R.S. 1s:5572.8.

**WHAT YOU NEED TO DO:**

Obtain a background check from the Louisiana State Police. This will cost you \$10.00 for fingerprints and \$26.00 for the background check. If you have any questions you may contact the Louisiana State Bureau of Criminal Identification and Information at (225)925-6095 or [www.lsp.org](http://www.lsp.org). You must also obtain minutes or other documentation of disposition from the Clerk of Court. ***THESE MUST BE ATTACHED TO YOUR MOTION!!***

If you are eligible for a fee waiver, take the background check to the District Attorney's Office (2<sup>nd</sup> floor) and obtain the Certificate of Fee Waiver.

Once all documentation is compiled you may file your motion along with 4 copies and all fees listed above at the City Court Office.

A SEPARATE Motion for Expungement must be filed for EACH ARREST DATE along with appropriate filing fees.

**\*\* PORT ALLEN CITY COURT CLERK'S OFFICE IS PROHIBITED BY LAW FROM PROVIDING LEGAL ADVICE. THEREFORE, THIS OFFICE CANNOT ASSIST THE APPLICANT IN COMPLETING THE MOTION FOR EXPUNGEMENT FORMS. APPLICANT MUST COMPLETE THEM ON HIS OR HER OWN OR SEEK QUALIFIED LEGAL COUNSEL FOR ASSISTANCE.\*\***