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IN THE COUNTY COURT OF THE EIGHTH JUDICIAL CIRCUIT OF FLORIDA IN AND FOR ALACHUA COUNTY

[redacted]

CASE NO.: [redacted]MM-[redacted]

Petitioner,

RELATED CASE NO.: [redacted]CF-[redacted]

v.

THE STATE OF FLORIDA,

Respondent.
_____/

ORDER TO EXPUNGE CRIMINAL HISTORY RECORDS UNDER SECTION 943.0585, FLORIDA STATUTES, AND FLORIDA RULES OF CRIMINAL PROCEDURE 3.692

THIS CAUSE having come to be heard before me on this date upon a petition to expunge certain records of the Petitioner's arrest on [redacted], by the Gainesville Police Department, for: (i) Domestic Battery (Touch or Strike), Florida Statute § 784.03(1)(a)(1), (ii) Domestic Battery (Touch or Strike), Florida Statute § 784.03(1)(a)(1), and (iii) Kidnap-False Imprisonment, Florida Statute § 787.02(1)(a), the court having heard argument of counsel, reviewed the available record and/or being otherwise fully advised in the premises, the court hereby finds:

1. The Petitioner has never been previously adjudicated guilty of a criminal offense or a comparable ordinance violation nor adjudicated delinquent for committing a felony or a misdemeanor specified in §§ 943.051(3)(b), 943.0584, Florida Statutes.

2. The Petitioner was not adjudicated guilty of nor adjudicated delinquent for committing any of the acts stemming from the arrest or criminal activity to which the instant petition pertains.

[redacted]Filed at Alachua County Clerk[redacted]

3. The Petitioner has not secured prior records expunction or sealing under §§ 943.0585 or 943.059, Florida Statutes, or under former §§ 893.14, 901.33 or 943.058, Florida Statutes, or the record is otherwise eligible for expunction because it has been sealed for at least 10 years.

4. This record has either been sealed for at least 10 years; or no indictment, information or other charging document was ever filed in this case against the petition; or an indictment, information or other charging document filed against the defendant was dismissed by the prosecutor or the court; or the petitioner is seeking to expunge a criminal history record associated with a not guilty verdict.

5. A Certificate of Eligibility [redacted] has been issued by the Florida Department of Law Enforcement and accompanied the petition for expunction of nonjudicial criminal history records.

6. The petitioner ☐ has or ☒ has not requested that documents recorded in Official Records be removed and the monetary sums on the recorded documents are paid or the persons who were to receive those monetary sums were noticed of this request and have not objected.

WHEREUPON IT IS:

ORDERED AND ADJUDGED that the petition to expunge is hereby **granted**. All judicial and non-judicial criminal history records pertaining to the above-styled cases, including directly related case numbers [redacted]MM-[redacted] and [redacted]CF-[redacted] shall be expunged in accordance with the procedures set forth in Florida Rule of Criminal Procedure 3.692, upon payment of all associated fees and costs to the clerk. This order shall go into effect 60 days from the date it is signed, pursuant to Administrative Order number 4.19; and it is further

ORDERED AND ADJUDGED that the clerk of this court shall forward a certified copy

of this Order to the State Attorney's Office for Alachua County and the Gainesville Police Department, who will comply with the procedures set forth in § 943.0585, 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, state and federal, listed or unlisted hereunder, that their records reflect has received the instant criminal history record information; and it is further

ORDERED AND ADJUDGED that the Gainesville Police Department and any agency whose records reflect it has received the instant criminal history record information shall expunge and completely remove all trace/information concerning indicia of arrest or criminal history record information regarding the arrest or alleged criminal activity to which this petition pertains in accordance with the procedures set forth in § 943.0585, Florida Statutes, and Florida Rule of Criminal Procedure 3.692; and it is further

ORDERED AND ADJUDGED that all costs associated with the sealing or expunction of that case must be paid before the clerk is authorized to seal the case. The Clerk is authorized to open any sealed or expunged court file for the purpose of filing documents pertinent to the particular file, as well as for imaging; and it is further

ORDERED AND ADJUDGED that the petitioner ☐ has or ☒ has not requested that the documents recorded at book N/A page N/A or instrument N/A be removed from the Official Record and such request, if made, is granted and the Clerk is directed to remove the identified documents from the Official Record as authorized in section 28.222(4), Florida Statutes.

DONE AND ORDERED in Chambers at Gainesville, Alachua County, Florida on [redacted]

[redacted]

Kristine Van Vorst, County Court Judge [redacted]

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that copies have been furnished by U.S. Mail or via filing with the Florida Courts E-Filing Portal on [redacted]

[redacted] [redacted]

Gainesville Police Department [redacted] State Attorney 8Th Circuit [redacted]

[redacted]

[redacted]

Amber Allen, Judicial Assistant [redacted]

J. K. "Jess" Irby, Esq. - Circuit and County Court Clerk, Alachua County, Florida, certifies this is a true copy of the document of record for this office, which may have been redacted as required by law. Witness my hand and seal on [redacted]

J. K. "Jess" Irby, Esq. [redacted]

By [redacted]
Deputy Clerk

CLERK OF THE CIRCUIT & COUNTY COURT
Stephan P. Mickle Criminal Courthouse
220 South Main Street – 4th Floor • Gainesville, Florida 32601
Telephone 352.374.3636
J.K. "Jess" Irby, Esq. - Clerk

[redacted]

STATE OF FLORIDA

VS

[redacted]

Case #[redacted]MM-[redacted]
TRANSFERRED FROM: [redacted]-CF-[redacted]

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the document with attachments titled: ORDER TO EXPUNGE PER FS 943.0585 AND FLA. R. CRIM. PROC. 3.692 filed[redacted]n Alachua County for the above listed case has been copied and mailed to:

Agencies to receive a certified copy:

Florida Department of Law Enforcement
Office of the State Attorney
Alachua County Sheriff's Office
Arresting Agency: Gainesville Police Department
Office of the Public Defender
Court Services
Department of the Jail
Attorney for Petitioner[redacted]

Agencies to receive a copy:

Court Administrator for the Eighth Judicial Circuit – Michael Reeves

KRISTEL C. ALBA, DEPUTY CLERK

Enclosure
Copy of Order to Expunge