

STATE OF SOUTH CAROLINA

COUNTY/CITY OF _____

THE STATE OF SOUTH CAROLINA

vs.

Defendant.

) IN THE MAGISTRATE/MUNICIPAL COURT
) IN THE _____ JUDICIAL CIRCUIT
)
) DOB _____ SSN _____
)
) **ORDER TO VACATE THE CONVICTION AND**
) **EXPUNGE THE RECORD**
)
) Warrant/Indictment No.:
)

The Defendant was convicted of a violation of Title 16, Chapter 3, Article 19 or prostitution on _____ (date). Pursuant to §16-3-2020(F), Defendant moves before this court to vacate the conviction and expunge the record of the conviction.

The Court **GRANTS** this motion on a finding that the Defendant's participation in the offense was a direct result of being a victim, based on the following:

Therefore, the conviction for _____ (offense and warrant/indictment number) on _____ (date) is **VACATED**.

IT IS ORDERED that all records relating to such arrest and subsequent discharge, including associated bench warrants, pursuant to the above-referenced section be expunged and destroyed and that no evidence of such records pertaining to such charge shall be retained by any municipal, county or state agency except as follows:

- (1) arrest and booking record, associated bench warrants, mug shots and fingerprints of the defendant shall be retained under seal pursuant to §17-1-40, by law enforcement, detention, correctional and prosecution agencies for three years and one hundred twenty days, and law enforcement and prosecution agencies may retain the information indefinitely under seal for purposes set forth in §17-1-40 (B)(1)(a) and (b); under §17-1-40 (C)(1), this order does not require the destruction of evidence gathered, unredacted incident and supplemental reports, and investigative files, which statutorily shall be retained under seal for three years and one hundred twenty days, and may be retained indefinitely under seal for purposes set forth in §17-1-40 (C)(1); and information retained under seal by law enforcement, detention, correctional and prosecution agencies pursuant to §17-1-40 is not a public information and is exempt from disclosure, except by court order;
- (2) nonpublic information retained by S.C. Law Enforcement Division (SLED) as required by law; and
- (3) any nonpublic records retained by S.C. Commission on Prosecution Coordination as required by law.

IT IS SO ORDERED.

_____, Judge _____ Judge Code

Signed this _____ day of _____, 20_____