

IN THE DISTRICT COURT OF EL PASO COUNTY, TEXAS

346TH DISTRICT COURT

EX PARTE
A.O.

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)
)

NO. 2007-2708

PETITION FOR EXPUNCTION OF RECORDS

NOW COMES, PETITIONER, ALBERT OCEGUEDA, and moves this Court to order expunction of records arising from an arrest, pursuant to Chapter 55, Texas Code of Criminal Procedure (1965), as amended, as follows:

I.

Petitioner is a Hispanic male whose full name is Alberto Ocegueda, and whose name at the time of the arrest was Alberto Ocegueda. Petitioner was born on February 12, 1957, and was living at 1439 Lost Pines Lane, El Paso, Texas 79936, at the time of the arrest at issue. Petitioner's Social Security Number is [REDACTED]

On November 6, 2006, Petitioner was arrested in El Paso, El Paso County, Texas, by the El Paso Police Department. Petitioner was charged with Aggravated Sexual Assault; and warrant number was M06-W8635 in El Paso County, Texas.

II.

Petitioner has reason to believe that the following agencies, officials, of other public entities of this state have records concerning the arrest:

1. Texas Department of Public Safety
Records Division
5805 N. Lamar St.
Austin, Texas 78751
2. El Paso Police Department Attn.: Records
911 N. Raynor
El Paso, Texas 79903

3. El Paso County Sheriff's Department I.D. & R.
El Paso Detention Facility
800 E. Overland, Room 400
El Paso, Texas 79901
4. County Attorney's Office
County Courthouse Rm. 203
El Paso, Texas 79901
5. County Clerk's Office
County Courthouse Rm. 105
El Paso, Texas 79901
6. District Attorney's Office
County Courthouse Rm. 201
El Paso, Texas 79901
7. District Clerk's Office
County Courthouse Rm. 103
El Paso, Texas 79901
8. Records Management and Archives
800 E. Overland, Rm. 330
El Paso, Texas 79901
9. Director of West Texas Community Supervision
& Corrections Department (Probation)
800 E. Overland, Rm. 100 MDR Bldg.
El Paso, Texas 79901
10. Director of El Paso County Court Administration
County Courthouse Rm. 405
El Paso, Texas 79901
11. Jail Magistrate
601 E. Overland
El Paso, Texas 79901
12. El Paso Municipal Court
810 E. Overland
El Paso, Texas 79901

13. Federal Bureau of Investigations
Criminal Justice Information Services Division
Attention: SCU MOD D-2
1000 Custer Hollow Road
Clarksburg, West Virginia 26306

III.

Pursuant to Chapter 55 of the Code of Criminal Procedure, petitioner is entitled to have all records and files concerning the arrest expunged for the following reasons:

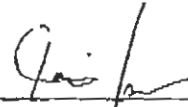
1. The information presented against the petitioner has been dismissed.
2. Petitioner has been released from custody on this charge.
3. Any charges against petitioner arising out of the transaction for which petitioner was arrested have not resulted in a final conviction and are no longer pending.
4. There was no court-ordered probation under Article 42.12 of the Code of criminal procedure on this matter.
5. Petitioner was not released on a conditional discharge under section 4.12 of the Texas controlled substances act.
6. Petitioner has not been convicted of a felony in the five years preceding the date of the arrest.

WHEREFORE PREMISES CONSIDERED, the Petitioner prays the Court:

1. To set this matter for hearing;
2. To give reasonable notice of the hearing to each official, agency, or other public entity named in paragraph II of this petition pursuant to Article 55.02, section 2 of the Texas code of Criminal Procedure.

3. After the hearing on this matter, to order each official, agency, or other public entity that there is reason to believe possesses records or files concerning to the arrest to:
 - a. Return all records and files concerning the arrest to the court, or if removal is impracticable, obliterate all references to petitioner and notify the court of its action.
 - b. Request each central federal depository to which it supplied information concerning the arrest of petitioner to return all such records and files to the court, or if removal is impracticable, to obliterate all references to petitioner and notify the court of its action.
 - c. Delete from its public records all index references to the above-mentioned arrest of the petitioner.
4. To direct the clerk of the court to send a certified copy of the order by certified mail, return receipt requested, to the Department of Public Safety and to each official, agency, or other entity named in paragraph II of the petition; and to direct the Department of Public Safety to send to each central federal depository an explanation of the effect of the order as well as a request for the return or destruction of the records held by the central federal depository.
5. To return to the petitioner all records, files, and notifications of the disposition of records and files returned to the court pursuant to its expunction order within a reasonable time of the receipt of same.

Respectfully submitted,



JOE A. SPENCER
1009 Montana
El Paso, Texas 79902
(915) 532-5562
(915) 532-7535 (FAX)
State Bar #18921800
Attorney for Petitioner

CERTIFICATE OF SERVICE

This is to certify that on the 11th day of June, 2007, a true and correct copy of the above and foregoing document was served on the following agencies by certified mail, return receipt requested.

- 1. Texas Department of Public Safety
Records Division
5805 N. Lamar St.
Austin, Texas 78751
- 2. El Paso Police Department Attn.: Records
911 N. Raynor
El Paso, Texas 79903
- 3. El Paso County Sheriff's Department I.D. & R.
El Paso Detention Facility
800 E. Overland, Room 400
El Paso, Texas 79901
- 4. County Attorney's Office
County Courthouse Rm. 203
El Paso, Texas 79901

5. County Clerk's Office
County Courthouse Rm. 105
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800 E. Overland, Rm. 330
El Paso, Texas 79901
9. Director of West Texas Community Supervision
& Corrections Department (Probation)
800 E. Overland, Rm. 100 MDR Bldg.
El Paso, Texas 79901
10. Director of El Paso County Court Administration
County Courthouse Rm. 106
El Paso, Texas 79901
11. Jail Magistrate
601 E. Overland
El Paso, Texas 79901
12. El Paso Municipal Court
810 E. Overland
El Paso, Texas 79901
13. Federal Bureau of Investigations
Criminal Justice Information Services Division
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Clarksburg, West Virginia 26306

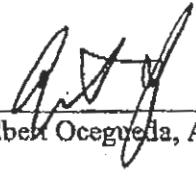


JOE A. SPENCER

VERIFICATION

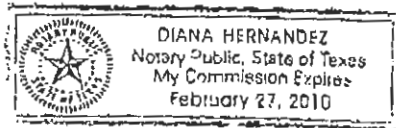
BEFORE ME, the undersigned authority, on this day personally appeared **ALBERT OCEGUEDA**, Petitioner, who after being duly sworn state:

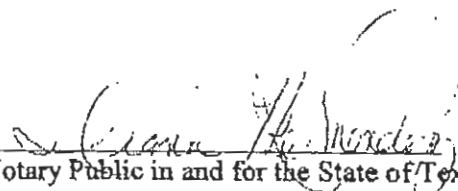
"I am the defendant in the above-entitled and numbered cause. I have read the foregoing Petition for Expunction of Records and swear that all of the allegations of fact contained therein are true and correct to the best of my knowledge."



Albert Ocegueda, Affiant

SUBSCRIBED AND SWORN TO BEFORE ME on the 22nd day of May, 2007.





Notary Public in and for the State of Texas

FORM "A"- ALL STATUTORY ELEMENTS MUST BE INCLUDED IN EXPUNCTION PETITION (as per Texas Code of Criminal Procedure 55.02)

THIS FORM MUST ACCOMPANY EACH PETITION FOR EXPUNCTION. FAILURE TO INCLUDE THIS FORM (COMPLETED) WITH YOUR PETITION WILL RESULT IN YOUR PETITION NOT BEING GRANTED. (Pursuant to Council of Judges Minutes on September 19, 1996, Motion #4 - Item 14).

EX PARTE A.O.

CAUSE NO. 2001-276-2

· Verification Form (must be attached)

Full Name:	Albert Ocegueda
Sex Female/Male:	Male
Race:	Hispanic
Date of Birth:	02/12/1957
Drivers License No.:	TXDI [REDACTED]
Social Security No.:	[REDACTED]
Address at Time of Arrest:	El Paso, TX 79835
Offense Charged:	Aggravated Sexual Assault
Date of Offense:	November 6, 2006
Date of Arrest:	November 6, 2006
County/Municipality of Arrest:	El Paso County Texas
Arresting Agency:	El Paso Police Department
Warrant No.:	M06-W8635

List all law enforcement agencies, jails or other detention facilities magistrates, courts, prosecuting attorneys, correctional facilities, central state depositories of criminal records, and other officials or agencies or other entities of this state or any political subdivision of this state and of all central federal depositories of criminal records that the petitioner has reason to believe have records or files that are subject to expunction.

FORM "B"-ALL STATUTORY ELEMENTS MUST BE INCLUDED IN EXPUNCTION PETITION (as per Texas Code of Criminal Procedure §55.02)

THIS FORM MUST ACCOMPANY EACH PETITION FOR EXPUNCTION. FAILURE TO INCLUDE THIS FORM (COMPLETED) WITH YOUR PETITION WILL RESULT IN YOUR PETITION NOT BEING GRANTED.

EX PARTE A.A.

CAUSE NO. 2001-2768

Verification Form (must be attached)

Petition \$217.00

Notice of Hearing \$7.00 per agency

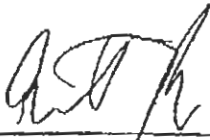
By District Clerk (attorney must provide copies of petition and order)

By Attorney (pro se)

FINAL ORDER OR DISMISSAL

Receipt of Copies of Final Order or Dismissal \$7.00 per agency
(Attorney must provide copies)

At this time of filing the petition of expungement, court cost plus the fee for mailing out the final order is required. If it is requested that the District Clerk's office send out notice of hearing to the agencies there is an additional fee required at the time of filing. Copies of the petition and order setting hearing must be furnished prior to us sending out the notices. Notice will be sent out to the agencies, which are listed on the petition of expungement.



Requestor's Signature