

IN THE CIRCUIT COURT OF THE _____ JUDICIAL CIRCUIT
 _____ COUNTY, ILLINOIS

[] THE PEOPLE OF THE STATE OF ILLINOIS)
 or)
 [] A MUNICIPAL CORPORATION)
 vs.)
 _____)
 Defendant,)
 _____)
 Petitioner.)

Case No(s). _____,
 _____,
 _____,

**PETITION TO EXPUNGE AND FOR JUDICIAL DETERMINATION OF FACTUAL
 INNOCENCE/IDENTITY THEFT**

COMES NOW _____, Petitioner, pursuant to the Illinois Identity Theft Law, 720 ILCS 5/16G-30 and the Criminal Identification Act, 20 ILCS 2630/5.2(b)(4), and petitions this Court for an expedited judicial determination of Petitioner's factual innocence. In support, Petitioner states:

1. That Petitioner's identity has been falsely associated with criminal activity, to wit (check as many as apply):

- A person has falsely identified himself or herself using Petitioner's identity during his/her criminal arrest, citation or conviction.
- A criminal complaint has been filed against another person in the Petitioner's name.
- Petitioner's identity has been mistakenly associated with a criminal conviction.

2. Petitioner has attached to this petition the following documentation as proof that his/her identity has been falsely associated with criminal activity (check as many as apply):

- A copy of a police report that Petitioner filed with the _____ Police Department on _____, 20____, asking for an investigation into the theft of Petitioner's identity.
- The results of any identity theft investigation done by the _____ Police Department.
- The results of a fingerprint search with the _____ Police Department or the Illinois State Police which shows that Petitioner's fingerprints do not match the fingerprints of the person arrested, charged or convicted in Petitioner's name.

A copy of Petitioner's Driver's License which does not match the physical description of the person arrested, charged or convicted in Petitioner's name.

A copy of Petitioner's Social Security Card which does not match the Social Security number of the person arrested, charged or convicted in Petitioner's name.

Documentation which shows that Petitioner was elsewhere at the time the offense was committed; said documentation is described herein as:

Petitioner's statement or other documentation that Petitioner believes is relevant (attach additional pages if needed):

WHEREFORE, Petitioner respectfully requests this Court: to *nunc pro tunc* correct all records of the arresting authority, the Illinois State Police, other criminal justice agencies, the State's Attorney, and the trial court concerning such arrest by removing Petitioner's name from all such records in connection with the arrest and conviction, if any, and by inserting in the records the name of the offender, if known or ascertainable, in lieu of the aggrieved's name; to order the name and personal identifying information contained in any court records, files, and indexes accessible by the public be sealed, deleted, or labeled to show that the data is impersonated and does not reflect the defendant's identity; to find the Petitioner factually innocent of the offenses committed in Petitioner's name; and for such other and further relief as this Court deems necessary and proper under the circumstances.

DATE: _____

Petitioner

Address

City/State/Zip Code

Petitioner's Date of Birth

VERIFICATION BY CERTIFICATION

Under penalties as provided by law pursuant to Section 1-109 of the Code of Civil Procedure, the undersigned certifies that the statements set forth in this instrument are true and correct, except as to matters therein stated to be on information and belief, as to such matters the undersigned certifies as aforesaid he/she verily believes the same to be true.

Date _____

Petitioner

Subscribed and sworn to before me this _____ day of _____, 20____.

Notary/Clerk

IT IS THEREFORE ORDERED as follows:

A. That Petitioner's PETITION TO EXPUNGE AND FOR JUDICIAL DETERMINATION OF FACTUAL INNOCENCE/IDENTITY THEFT is granted:

In whole.

In part, as to the following criminal arrests, citations or convictions: _____

_____.

B. That all records of the arresting authority, the Illinois State Police, other criminal justice agencies, the State's Attorney, and the trial court concerning such arrest(s) shall be corrected by removing Petitioner's name from all such records in connection with the arrest and conviction, if any, and by inserting in the records the name of the offender in lieu of the Petitioner's name.

C. That the name and personal identifying information contained in any court records, files, and indexes accessible by the public be sealed, deleted, or labeled to show that the data is impersonated and does not reflect the defendant's identity.

D. Other: _____

_____.

ENTERED: _____, 20____.

JUDGE