**In the Iowa District Court for Polk County**

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| **State of Iowa**, *Plaintiff*, v.**,** *Defendant*. | Case No.:      **Response to Motion to Expunge Record of Arrest** |

**Comes Now**, the State of Iowa, by and through the undersigned Assistant Polk County, and responds to the Defendant’s Motion to Expunge Record of Arrest and states the following:

1. The Defendant filed an application to expunge records herein.
2. Iowa Code Section 901C.1(2), provides a procedure by which a person may apply to the court for an order expunging records in that case if all the following conditions have been satisfied:
3. *All* charges in the case were dismissed.
4. *All* costs, fees or other financial obligations ordered by the court or assessed by the clerk have been paid.
5. *At least 180 days* have passed since the case was dismissed unless the court reduces the time for reasons such as identity theft.
6. The dismissal was not based on incompetency to stand trial or a finding of not guilty by reason of insanity.
7. According to Iowa Code Section 901C.1(2)(a), it is the Defendant’s burden to establish these conditions are satisfied before the court may enter an order expunging the record.
8. If the Defendant certifies and provides proof to the court that all the conditions are satisfied and the Defendant is eligible for records expunging, the State does not object to the request.

**Wherefore**, the State of Iowa respectfully requests the Court enter an Order consistent with the State’s response.

 Respectfully submitted,

By: /s/

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