

## **Obtaining an Identity Theft Expunction in Collin County**

If you have a criminal record as a result of having your identity stolen, you may be eligible to expunge that record under Article 55.01(d) of the Texas Code of Criminal Procedure. To be entitled to an expunction under this section, you must show that another person falsely identified himself with your information during an arrest without your consent. An expunction under this section will remove your name, birth date, social security number, or other identifying information from the arrest record. To obtain an expunction under this section, you must submit an application to the Collin County Criminal District Attorney's Office.

The ability to obtain an expunction through the District Attorney does *not* apply to the following situations:

- *Mistaken arrest*: An identity theft expunction only applies if another person is arrested and falsely uses your identifying information. If you are the person arrested—even if you were only arrested by mistake or a false accusation—you cannot obtain an identity theft expunction.
- *Misidentification by permission*: To obtain an identity theft expunction, you must provide a sworn statement that you did not give the arrested person consent to use your identifying information. If you gave someone permission to use your ID or your information, then you cannot get your information expunged from their record.
- *Misidentification by accident*: If two persons with the same name are born on the same day and only one has a criminal history, the other person does not have a right to have the criminal history expunged. The arrested person must purposely use your identifying information—such as social security number or address—for you to be entitled to an expunction.
- *Regular expunctions*: The District Attorney is only permitted to file expunctions where authorized by law, such as for identity theft. If you were charged with a crime and later acquitted or had the charges dismissed, you may be eligible for a regular expunction. You must contact an attorney or proceed on your own behalf. The District Attorney cannot provide any legal advice in such cases.

If you believe you are eligible for an identity theft expunction, you must submit an application with the following information:

1. Your identifying information: Full name, sex, race, date of birth, driver's license number, social security number, and address at the time of the arrest;

2. Information regarding the arrest (if known): Date of arrest, offense charged, the name of the county or municipality in which the arrest occurred, and the name of the arresting agency;
3. A sworn statement that you are not the person arrested and you did not give the person arrested consent to falsely identify himself as you; and
4. An authenticated fingerprint record (available from any police department).

You may be asked to provide additional information to assist the District Attorney in verifying that you are a victim of identity theft. If you have any additional documentation to support your claim, such as a police report, please attach it to your application.

Use the attached form to complete your application. Please provide as much information as possible to assist the District Attorney in verifying your claim. After completing the application, you may submit it in person at the District Attorney's office on the second floor of the district courthouse on Bloomdale Road or mail it to:

Collin County Criminal District Attorney  
Attention: Expunctions  
2100 Bloomdale Road, Suite 20004  
McKinney, Texas 75071

The District Attorney's office will verify your claims and prepare an order for the judge's signature. You will be contacted when your paperwork is ready. **Please allow thirty days for the District Attorney to evaluate your case.** You will be notified if additional information is needed or if you do not qualify for an identity theft expunction.

## **Application for Identity Theft Expunction in Collin County**

Please complete the entire application and attach any additional documentation you have that may support your claim. If you cannot provide certain information, please explain why.

### *I. Applicant Information*

Name: \_\_\_\_\_

Sex: M / F

Race: \_\_\_\_\_

Date of Birth: \_\_\_\_\_

Driver's License Number: \_\_\_\_\_

Social Security Number: \_\_\_\_\_

Address (at the time of the arrest): \_\_\_\_\_

\_\_\_\_\_

Telephone number: \_\_\_\_\_

(So the District Attorney's Office can contact you when your order is ready)

### *II. Offense Information*

Name of arrested person (if known): \_\_\_\_\_

Date of arrest: \_\_\_\_\_

Offense charged: \_\_\_\_\_

Name of county and municipality of arrest: \_\_\_\_\_

Name of arresting agency: \_\_\_\_\_

### *III. Identity Theft Information*

Please explain the details of how your identity was stolen, if known. Include any known relationship between yourself and the arrested person (eg, familial, acquaintance,

employment) and how you became aware your identity was stolen. Include any other instances in which your identity was misused. Please provide as much information as possible. Attach additional pages if necessary.

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*IV. Sworn Statement*

“I hereby swear that the information I have provided is true and correct to the best of my knowledge. I verify that I was not the person arrested for the above arrest(s) or for whom the arrest records were created. I further verify that I did not give the person arrested consent to falsely identify himself or herself as me.”

\_\_\_\_\_  
(signature)

\_\_\_\_\_  
(printed name)  
APPLICANT

Sworn to and subscribed before me on this the \_\_day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Notary Public in and for Collin County, TX  
My Commission Expires \_\_\_\_\_

**This form must be notarized and submitted to the Collin County District Attorney’s Office. You must attach your authenticated fingerprint records and any additional documentation you have to support your claim.**