

**IN THE COURT OF COMMON PLEAS OF LYCOMING COUNTY, PENNSYLVANIA**

COMMONWEALTH OF PENNSYLVANIA : NO. 02-10,758  
:   
:   
vs. : CRIMINAL DIVISION  
: Motion to Expunge Records  
STEPHEN FRANK DUDEK, :   
:

OPINION AND ORDER

Defendant was charged with simple assault and harassment but pled guilty to harassment only, and the charge of simple assault was nol prossed. In the instant Motion to Expunge Records, Defendant seeks to have the records of his arrest, his fingerprints and criminal history information expunged. Argument on the motion was heard April 8, 2003.

Because the charge of simple assault was dismissed, Defendant is indeed entitled to expungement of the arrest record of that charge. Commonwealth v Maxwell, 737 A.2d 1243 (Pa. Super. 1999). While the Commonwealth has the burden to show why the arrest record should not be expunged, in the instant matter, the Commonwealth offered no evidence in this regard and indicated it has no objection.

With respect to the request to expunge his fingerprints and criminal history information, Defendant offers no authority and the Court is unable to locate any, to support this request. This particular request will therefore be denied.

ORDER

AND NOW, this 10<sup>th</sup> day of April, 2003, for the foregoing reasons, Defendant's Motion to Expunge his Arrest Record of the simple assault is hereby granted and his request to expunge his fingerprints is hereby denied.

By the Court,

Dudley N. Anderson, Judge

cc: DA  
George Lepley, Esq.  
Gary Weber, Esq.  
Hon. Dudley N. Anderson