

STATE OF FLORIDA,

Plaintiff,

-vs-

LISA MARIE NOWAK,

Defendant/Petitioner.

PETITION TO SEAL

The Petitioner, LISA MARIE NOWAK, by and through the undersigned, petitions this Honorable Court, pursuant to Florida Rule of Criminal Procedure 3.692 and §943.0585 or §943.59, Florida Statutes, to seal all criminal history record information in the custody of any criminal justice agency and the official records of the court concerning the Petitioner's arrest on 2/5/2007 by the Orlando Police Department for attempted kidnapping, attempted burglary of conveyance with battery, attempted burglary of conveyance, attempted homicide, possession of weapon in commission of felony, attempted murder, destruction of evidence and battery and as grounds therefor shows:

1. On 2/5/2007, the Petitioner, LISA MARIE NOWAK, a female whose date of birth is [REDACTED], was arrested by the Orlando Police Department and charged with attempted kidnapping, attempted burglary of conveyance with battery, attempted burglary of conveyance, attempted homicide, possession of weapon in commission of felony, attempted murder, destruction of evidence and battery. The Clerk of this Court assigned two (2) separate cases numbers for the Defendant's arrest, 2007-CF-1796 and 2007-CF-1816. Case No. 2007-CF-1816 was later

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consolidated into the lower case number.

2. Petitioner has not been adjudicated guilty nor adjudicated guilty of committing any of the acts stemming from this arrest or alleged criminal activity.

3. The Petitioner has not been previously adjudicated guilty of a criminal offense or a comparable ordinance violation nor adjudicated delinquent for committing a felony or misdemeanor specified in section 943.051(3)(b), Florida Statutes.

4. The Petitioner has not secured a prior records expunction or sealing under §943.0585 or §943.059, Florida Statutes, former §943.058, former §893.14, or former §901.33, Florida Statutes, or any other law, rule, or authority.

5. A Certificate of Eligibility for sealing of nonjudicial criminal history records issued by the Florida Department of Law Enforcement accompanies this Petition as Exhibit "A."

6. Petitioner has also executed an Affidavit attached hereto as Exhibit "B."

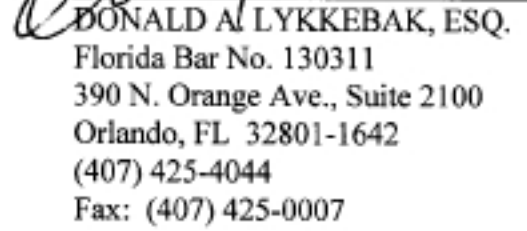
7. Petitioner requests that her arrest record be sealed as it is a significant hindrance to the future economic well-being of her family. She is a single mother with three children. The children have been affected by the episode in question and the resulting unwanted attention. Petitioner is a military officer who has served our country with pride, honor and devotion for over 25 years. She is now transitioning from her military career and will seek to utilize her skills and experience for a second career in the private sector. The history of the case in question is a blot on her otherwise unblemished history that could impair her ability to obtain employment and support for her family.

WHEREFORE, the Petitioner, LISA MARIE NOWAK, moves to seal any criminal history record information and any official court records regarding her arrest by the Orlando Police

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Department for attempted kidnapping, attempted burglary of conveyance with battery, attempted burglary of conveyance, attempted homicide, possession of weapon in commission of felony, attempted murder, destruction of evidence and battery, all arrests occurring on 2/5/2007 and arising from the same exact episode.

I HEREBY CERTIFY that a copy hereof has been furnished by mail delivery to the State Attorney's Office, P.O. Box 1673, The Florida Department of Law Enforcement, P.O. Box 1489, Tallahassee, FL, 32302; the Orange County Sheriff's Office, 2500 W. Colonial Dr., Orlando, FL, 32804; and the Orlando Police Department, 100 S. Hughey Ave., Orlando, FL, 32801 on March 1, 2011.


DONALD AL LYKKEBAK, ESQ.
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Orlando, FL 32801-1642
(407) 425-4044
Fax: (407) 425-0007
Attorney for Petitioner

STATE OF FLORIDA.

Plaintiff.

LISA MARIE NOWAK.

Defendant.

AFFIDAVIT

I, LISA MARIE NOWAK, am the Defendant/Petitioner in the above-styled cause and I do hereby swear or affirm that:

1. I fully understand the meaning of all of the terms of this affidavit.

2. I have never previously been adjudicated guilty of a criminal offense or a comparable ordinance violation nor adjudicated delinquent for committing a felony or a misdemeanor specified in section 943.051(3)(b), Florida Statutes.

3. I was arrested on 2/5/2007, by Orlando Police Department and I have not been adjudicated guilty of, nor adjudicated delinquent for committing, any of the acts stemming from that arrest or the alleged criminal activity surrounding my arrest.

4. I am eligible for the relief requested, to the best of my knowledge and belief, and do not have any other petition to expunge or seal pending before any court.

5. I have never secured a prior sealing or expunction of a criminal history record under any law.


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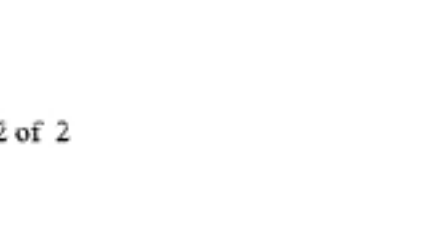
STATE OF TEXAS)

COUNTY OF Harris)

BEFORE ME, the undersigned authority, personally appeared LISA MARIE NOWAK, who is personally known to me or who produced identification consisting of Military ID, who did take an oath and states that the foregoing statements contained herein are true and correct.

SWORN TO and subscribed before me this 4 day of February, 2010.


Notary Public
My Commission Expires: 10/05/2013



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FDLE

FLORIDA DEPARTMENT OF LAW ENFORCEMENT
SEE REVERSE SIDE FOR ADDITIONAL INFORMATIONPost Office Box 1489
Tallahassee, FL 32302-1489
Phone (850) 410-7870**CERTIFICATE OF ELIGIBILITY
TO PETITION FOR A SEAL OR EXPUNGE ORDER**

OFFICIAL USE ONLY

ISSUED TO:

DATE:

LISA MARIE NOWAK
17123 PARSLEY HAWTHORNE CT.
HOUSTON, TX 77059

FEBRUARY 03, 2011

Pursuant to Florida Statutes 943.0585 and 943.059, this certificate is valid for one year from the date above.

DATE(S): CHARGE(S):

1. 02/05/2007	ATTEMPT BURGLARY CONVEY (2CTS)
2. 02/05/2007	ATTEMPT BURGLARY CONVEY BATTERY
3. 02/05/2007	BATTERY
4. 02/05/2007	ATTEMPT HOMICIDE WILLFUL KILL
5. 02/05/2007	POSS WEAPON COMM FELONY (2CTS)
6. 02/05/2007	ATTEMPTED MURDER

This is to certify that the Florida Department of Law Enforcement has determined that the individual named above is legally eligible, in accordance with subsection 943.0585 (2) / 943.059 (2), Florida Statutes, to petition the court to SEAL the arrest record(s) for the charge(s) and date(s) shown above.

Any attempt to change, amend, or falsify this document or any information on this form is strictly prohibited and punishable by law. Any duplicate, copy, or facsimile of this document is void and without legal effect.

82801912

Identification Number
(FDLE USE ONLY)

OFFICIAL CERTIFICATION

EFFECTIVE JULY 2006
FDLE 40-022