

**DEFENDANT’S *PRO SE* MOTION TO RESTRICT AND SEAL RECORDS OF
VACATED/REVERSED FELONY CONVICTION**
PER O.C.G.A. § 35-3-37(j)(2), (m)

- **File Motion to Restrict a Vacated/Reversed Conviction if your case resulted in conviction in superior court.**
- **Use the original indictment/case number in the header.**
- **Use the Offender Tracking Number (OTN) for the specific arrest cycle provided on your GCIC criminal history record.**

Disclaimer: Sample motions and petitions are provided for reference purposes only and do not create an attorney-client relationship with the Georgia Justice Project.

IN THE SUPERIOR COURT OF _____ COUNTY
STATE OF GEORGIA

STATE OF GEORGIA

v.

_____,
Defendant, *Pro Se*

|
|
|
|
|

Case No: _____

OTN: _____

**DEFENDANT'S PRO SE MOTION TO RESTRICT AND SEAL RECORDS
OF VACATED/REVERSED FELONY CONVICTION**

COMES NOW Defendant, *pro se*, and moves this Honorable Court to grant this Motion to Restrict and Seal Records of Vacated/Reversed Felony Conviction pursuant to O.C.G.A. §35-3-37(j)(2), (m). In support of this motion, Defendant shows the following:

1.

Defendant was arrested on the date of _____, and charged with the offense(s) of: _____
_____.

2.

Defendant was convicted on the date of _____, for offenses charged in the above-referenced case number. (*See attached copy of final disposition*).

3.

The felony conviction was either vacated by the trial court or reversed by order of the Georgia Court of Appeals or the Supreme Court of Georgia on the date of _____. (*See attached order of trial court or appellate decision*).

4.

The appellate process is complete and the state did not retry the case within two years of the date the order vacating or reversing the decision became final.

5.

Even though the conviction was vacated/reversed, the records of this case continue to be available to potential employers, housing providers, and others.

6.

The harm resulting to the privacy of Defendant outweighs the public interest of having the case information available to the public because it significantly interferes with Defendant's ability to secure employment and/or housing, and/or other opportunities. (See O.C.G.A. §35-3-37(m)). (See attached documentation).

WHEREFORE, Defendant respectfully requests that this Honorable Court grant this motion and order all criminal history record information pertaining to this case be restricted by the Georgia Crime information Center (GCIC) and all agencies maintaining such information in _____ County, including but not limited to the arresting agency and the jail/detention center, pursuant to O.C.G.A. §35-3-37(j)(2). In addition, Defendant requests the records of this case, including index references, be sealed by the Clerk of Superior Court in _____ County pursuant to O.C.G.A. §35-3-37(m). In the alternative, Defendant respectfully requests that this Honorable Court schedule a hearing on this motion within ninety (90) days of filing of said motion.

Respectfully submitted this the ____ day of _____, 20__.

Defendant, *Pro Se*

NAME: _____

ADDRESS: _____

PHONE: _____

FAX: _____

EMAIL: _____

IN THE SUPERIOR COURT OF _____ COUNTY
STATE OF GEORGIA

STATE OF GEORGIA

v.

Case No: _____

_____,
Defendant, Pro Se

CERTIFICATE OF SERVICE

This is to certify that I have this day served the District Attorney and Clerk of Court with a copy of **DEFENDANT'S PRO SE MOTION TO RESTRICT AND SEAL RECORDS OF VACATED/REVERSED FELONY CONVICTION** by hand delivery.

This the _____ day of _____, 20__.

Defendant, *Pro Se*

NAME: _____

ADDRESS: _____

PHONE: _____

FAX: _____

EMAIL: _____

IN THE SUPERIOR COURT OF _____ COUNTY
STATE OF GEORGIA

STATE OF GEORGIA

v.

_____,
Defendant, *Pro Se*

Case No: _____

OTN: _____

**ORDER TO RESTRICT AND SEAL RECORDS OF
VACATED/REVERSED FELONY CONVICTION**

This Court, having considered Defendant's Pro Se Motion to Restrict and Seal Records of Vacated/Reversed Felony Conviction, pursuant to O.C.G.A. §35-3-37(j)(2), (m) and for good cause shown,

IT IS HEREBY ORDERED that the Motion is granted and the Georgia Crime Information Center (GCIC) and every agency in _____ County, including but not limited to the arresting agency and the jail/detention center, is ordered to restrict all criminal history record information pertaining to the above-referenced case number pursuant to O.C.G.A. §35-3-37(j)(2).

IT IS FURTHER ORDERED that the records of this case, including index references, are to be sealed by the Clerk of Superior Court in _____ County pursuant to O.C.G.A. §35-3-37(m).

IT IS FURTHER ORDERED that information regarding the above-styled case be disclosed only to judicial officials and criminal justice agencies for law enforcement purposes. All other requests for disclosure may not be granted without Order of the Court.

SO ORDERED this the _____ day of _____, 20____.

JUDGE, SUPERIOR COURT OF _____ COUNTY

Presented by:

Defendant, *Pro Se*

**PETITIONER'S *PRO SE* PETITION TO RESTRICT AND SEAL RECORD OF
VACATED/REVERSED MISDEMEANOR CONVICTION**
PER O.C.G.A. § 35-3-37(j)(2), (m)

- **File Petition to Restrict a Vacated/Reversed conviction if your case resulted in conviction in a court other than superior court.**
- **This is a civil petition. Leave case number and judge blank in header, the clerk of court will fill in the information at time of filing.**
- **Use the Offender Tracking Number (OTN) for the specific arrest cycle provided on your GCIC criminal history record.**

Disclaimer: Sample motions and petitions are provided for reference purposes only and do not create an attorney-client relationship with the Georgia Justice Project.

IN THE SUPERIOR COURT OF _____ COUNTY
STATE OF GEORGIA

Petitioner, *Pro Se*

v.

_____,
Respondent, Solicitor General

OTN: _____

Case No: _____

Judge: _____

**PETITIONER'S *PRO SE* PETITION TO RESTRICT
AND SEAL RECORDS OF VACATED/REVERSED MISDEMEANOR CONVICTION**

COMES NOW Petitioner, *pro se*, and moves this Honorable Court to grant this Petition to Restrict and Seal Records of Vacated/Reversed Misdemeanor Conviction pursuant to O.C.G.A. §35-3-37(j)(2), (m). In support, Petitioner shows the following:

1.

Petitioner was arrested on the date of _____, and charged with the offense(s) of: _____

2.

Petitioner was convicted of a misdemeanor offense(s) on the date of _____. (See attached copy of final disposition).

3.

The misdemeanor conviction was either vacated by the trial court or reversed by order of the Georgia Court of Appeals or the Supreme Court of Georgia on the date of _____. (See attached appellate decision).

4.

The appellate process is complete and the state did not retry the case within two years of the date the order vacating or reversing the decision became final.

5.

Even though the conviction was vacated or reversed, the records of this case continue to be available to potential employers, housing providers, and others.

6.

The harm resulting to the privacy of Petitioner outweighs the public interest of having the case information available to the public because it significantly interferes with Petitioner's ability to secure employment and/or housing and/or other opportunities. (See O.C.G.A. §35-3-37(m)). *(See attached documentation).*

WHEREFORE, Petitioner respectfully requests that this Honorable Court grant this petition and order all criminal history record information, including index references, pertaining to the criminal case of State v. _____, in the _____ Court of _____ County, Accusation/Case Number _____, be restricted by the Georgia Crime Information Center (GCIC) and all agencies maintaining such information in _____ County, including but not limited to the arresting agency and the jail/detention center, pursuant to O.C.G.A. §35-3-37(j)(2). In addition, the Petitioner requests the records of the instant case and the underlying criminal case, including any index references, be sealed by the Clerks of Superior and _____ Courts in _____ County pursuant to O.C.G.A. §35-3-37(m).

In the alternative, Petitioner respectfully requests that this Honorable Court schedule a hearing on this motion within ninety (90) days of filing of said petition.

Respectfully submitted this the ____ day of _____, 20__.

Petitioner, *Pro Se*

NAME: _____

ADDRESS: _____

PHONE: _____

FAX: _____

EMAIL: _____

IN THE SUPERIOR COURT OF _____ COUNTY
STATE OF GEORGIA

Petitioner, *Pro se*

v.

_____,
Respondent, Solicitor General

Case No: _____

Judge: _____

CERTIFICATE OF SERVICE

This is to certify that I have this day served the Solicitor General and the Clerk of Court with a copy of **PETITIONER'S PRO SE PETITION TO RESTRICT AND SEAL RECORDS OF VACATED/REVERSED MISDEMEANOR CONVICTION** by hand delivery.

This the _____ day of _____, 20____.

Petitioner, *Pro Se*

NAME: _____

ADDRESS: _____

PHONE: _____

FAX: _____

EMAIL: _____

IN THE SUPERIOR COURT OF _____ COUNTY
STATE OF GEORGIA

Petitioner, *Pro Se*

v.

_____,
Respondent, Solicitor General

Case No: _____

Judge: _____

**ORDER TO RESTRICT AND SEAL RECORDS OF
VACATED/REVERSED MISDEMEANOR CONVICTION**

This Court, having considered Petitioner's Pro Se Petition to Restrict and Seal Record of Vacated/Reversed Misdemeanor Conviction, pursuant to O.C.G.A. § 35-3-37(j)(2), and O.C.G.A. §35-3-37(m) and for good cause shown,

IT IS HEREBY ORDERED that the Petition is granted and the Georgia Crime Information Center (GCIC) and every agency in _____ County, including but not limited to the arresting agency and the jail/detention center, is ordered to restrict all criminal history record information pertaining to the above-styled case and the underlying criminal case of State v. _____, in the _____ Court of _____ County, Accusation/Case Number _____, pursuant to O.C.G.A. §35-3-37(j)(2).

IT IS FURTHER ORDERED, pursuant to O.C.G.A. §35-3-37(m), that the Clerk of Superior Court of _____ County seal the record of the instant case and the Clerk of _____ Court of _____ County seal the record of the underlying criminal case of State v. _____, in the _____ Court of _____ County, Accusation/ Case Number _____, including any index references.

IT IS FURTHER ORDERED that information regarding the above-styled case and the underlying criminal case be disclosed only to judicial officials and criminal justice agencies for law enforcement purposes. All other requests for disclosure may not be granted without Order of the Court.

SO ORDERED this the _____ day of _____, 20____.

JUDGE, SUPERIOR COURT OF _____ COUNTY

Presented by:

Petitioner, *Pro Se*