

**PRO SE MOTION TO RESTRICT AND SEAL RECORDS OF A
MISDEMEANOR CONVICTION**
PER O.C.G.A. § 35-3-37(j)(4), (m)

For step-by-step guidance on completing this motion, please refer to GJP's video guide by scanning the QR code below.



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

IN THE [

] COURT OF [STATE OF GEORGIA

] COUNTY

STATE OF GEORGIA,

v.

CASE NO.: [

]

[

Defendant

]

JUDGE: [

]

DEFENDANT’S PRO SE MOTION TO RESTRICT AND SEAL RECORDS OF A MISDEMEANOR CONVICTION

COMES NOW Defendant, *pro se*, in the above-styled case and moves this Honorable Court to grant this Motion to Restrict and Seal Records of a Misdemeanor Conviction pursuant to O.C.G.A. §§ 35-3-37(j)(4)(A) and (m). In support of this Motion, Defendant shows the following:

1.

Defendant was arrested on _____.

2.

On _____, Defendant was adjudicated guilty of the charge(s) of _____ in _____ County _____ Court. *See attached copy of final disposition.*

3.

Defendant completed the terms of his/her sentence, which included: _____

4.

Defendant has not been convicted of any crime within the four years prior to filing the instant Motion.

5.

Defendant has no known pending charges in any jurisdiction and has not been convicted of any excluded offense(s) listed in O.C.G.A. § 35-3-37(j)(4)(B).

6.

Defendant has not met his lifetime maximum of requesting record restriction for two misdemeanor convictions. See O.C.G.A. § 35-3-37(j)(4)(C).

7.

Defendant has changed significantly since this case, which happened _____ years ago. The charges also significantly interfere with Defendant's ability to secure employment and/or housing and/or other opportunities. ***(Include information briefly summarizing accomplishments since your arrest and how this record has been a barrier. Include positive parts of your life that you think the court should know about. For Example: Diplomas /Certificates/letters of support/references/treatment/community involvement.)***

The records of the case are harmful to the privacy of Defendant and this harm outweighs the public interest in charge(s) being publicly available. 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)).

WHEREFORE, Defendant respectfully requests that this Honorable Court grant this Motion and order all criminal history record information, including index references pertaining to this case, be restricted by the Georgia Crime Information Center (GCIC) and all agencies maintaining such information in _____ County, Georgia, including but not limited to the arresting agency and the jail/detention center, pursuant to O.C.G.A. §35-3-37(j)(4)(A). In addition, Defendant requests the record of the instant case, including any index references and on-line records, be sealed by the Clerk of _____ Court for _____ County, Georgia pursuant to O.C.G.A. §35-3-37(m). In the alternative, Defendant respectfully requests that this motion be scheduled for a hearing 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 [] COURT OF [] COUNTY
STATE OF GEORGIA

STATE OF GEORGIA,

v.

CASE NO.: []

[]
Defendant

JUDGE: []

OTN

[PROPOSED] ORDER TO RESTRICT AND SEAL RECORDS
OF A MISDEMEANOR CONVICTION

This Court having considered the Motion to Restrict and Seal Records of a Misdemeanor Conviction pursuant to O.C.G.A. §§ 35-3-37(j)(4)(A) and (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, are ordered to restrict all criminal history record information pertaining to the above-styled case, OTN []
Arrest Date: [], pursuant to O.C.G.A. § 35-3-37(j)(4)(A).

IT IS FURTHER ORDERED, pursuant to O.C.G.A. § 35-3-37(m), that the Clerk of the [] Court of [] County seal the record of the instant case, OTN [] (Arrest Date: []), including any index references and on-line records.

IT IS FURTHER ORDERED that information regarding the above-styled case and the underlying criminal case be disclosed only as provided for in O.C.G.A. § 35-3-37 (t) and (v).

SO ORDERED this _____ day of _____, 20__.

JUDGE, [] COURT OF [] COUNTY

Presented by:

Defendant, *Pro Se*

IN THE [

] COURT OF [STATE OF GEORGIA

] COUNTY

STATE OF GEORGIA,

v.

CASE NO.: [

]

[

Defendant

]

JUDGE: [

]

CERTIFICATE OF SERVICE

This is to certify that I have this day served [],
Solicitor/District Attorney, the prosecuting attorney and the Clerk of the []
County [] Court with a copy of **DEFENDANT'S PRO SE**
MOTION TO RESTRICT AND SEAL RECORDS OF A MISDEMEANOR CONVICTION
by [U.S. Certified Mail, E-filing, hand delivery].

This the ____ day of _____, 20__.

Defendant, *Pro Se*