

**DEFENDANT'S *PRO SE* MOTION TO RESTRICT AND SEAL RECORD OF
FELONY CHARGE(S)**
PER O.C.G.A. § 35-3-37(j)(1), (m)

- **File in superior court to restrict felony charges when:**
 1. **felony charge(s) was indicted in superior court**
 2. **felony charge(s) was resolved without conviction, and**
 3. **you were convicted of an unrelated misdemeanor**
- **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: _____

Judge: _____

OTN: _____

**DEFENDANT'S PRO SE MOTION TO RESTRICT AND SEAL RECORDS OF
FELONY CHARGE(S)**

COMES NOW Defendant, *pro se*, and moves this Honorable Court to grant this Motion to Restrict and Seal Records of Felony Charge(s) pursuant to O.C.G.A. § 35-3-37(j)(1), (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.

The felony charge(s) of _____
_____ did not result in conviction.

3.

Defendant was convicted of an unrelated misdemeanor offense which is not a lesser included offense for which Defendant was arrested and indicted. (*See attached copy of final disposition*).

4.

The harm resulting to the privacy of Defendant outweighs the public interest in having the felony charge(s) available to the public because it 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)(1). 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 the Clerk of Court with a copy of **DEFENDANT'S PRO SE MOTION TO RESTRICT AND SEAL RECORDS OF FELONY CHARGE(S)** 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.

Case No: _____

_____,
Defendant, *Pro Se*

ORDER TO RESTRICT AND SEAL RECORDS OF FELONY CHARGE(S)

This Court, having considered Defendant's *Pro Se* Motion to Restrict and Seal Records of Felony Charge(s), pursuant to O.C.G.A. § 35-3-37(j)(1), (m) and for good cause shown,

IT IS HEREBY ORDERED that the Motion is hereby 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)(1).

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
FELONY CHARGE(S)**
PER O.C.G.A. § 35-3-37(j)(1), (m)

- **File a petition to restrict felony charges when:**
 1. **felony charge(s) were not indicted in superior court**
 2. **felony charge(s) resolved without conviction, and**
 3. **you were convicted of an unrelated misdemeanor in a court other than municipal.**
- **This is a civil petition. Leave the case number and judge blank in header, the clerk of court will fill in the information at the time of filing.**
- **Use the Offender Tracking Number (OTN) for the specific arrest cycle provided on your GCIC criminal history record.**

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IN THE SUPERIOR COURT OF _____ COUNTY
STATE OF GEORGIA

Petitioner, Pro Se

v.

_____,
Respondent, Solicitor General

Case No: _____

Judge: _____

OTN: _____

**PETITIONER'S PRO SE PETITION TO RESTRICT
AND SEAL RECORDS OF FELONY CHARGE(S)**

COMES NOW Petitioner, *pro se*, and moves this Honorable Court to grant this Petition to Restrict and Seal Record of Felony Charge(s) pursuant to O.C.G.A. § 35-3-37(j)(1), (m). In support of this petition Petitioner shows the following:

1.

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

2.

The felony charge(s) of _____
_____ did not result in conviction.

3.

Petitioner was convicted of an unrelated misdemeanor offense. (*See attached copy of final disposition*).

4.

The misdemeanor offense was unrelated and not a lesser included offense of the felony for which Petitioner was charged at the time of arrest.

5.

The record of the felony charge is harmful to the privacy of Petitioner and this harm outweighs the public interest in the felony charge(s) being available. The availability 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 State of Georgia v. _____, in the _____, Court of _____ County, Accusation/Case number _____, be restricted by Georgia Crime Information Center (GCIC) and all agencies maintaining such information in _____ County, including but not limited to the, the arresting agency and the jail/detention center pursuant to O.C.G.A. §35-3-37(j)(1). In addition, the Petitioner requests the record of the instant case and the underlying criminal case of State v. _____, Court of _____ County, Accusation/Case number _____, including any index references, be sealed by the Clerks of Superior Court and _____ Court 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**

STATE OF GEORGIA

v.

_____,
Petitioner, *Pro se*

Case No: _____

Judge: _____

OTN: _____

ORDER TO RESTRICT AND SEAL RECORDS OF FELONY CHARGE(S)

This Court, having considered the *pro se* Petition to Restrict and Seal Records of Felony Charge(s), pursuant to O.C.G.A. § 35-3-37(j)(1), (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 to 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*