

**IN THE SUPERIOR COURT OF THE SOUTHERN JUDICIAL CIRCUIT
STATE OF GEORGIA**

STATE OF GEORGIA

INDICTMENT NO. _____

vs

Defendant

MOTION TO SEAL

NOW COMES _____, the above-named defendant, *pro se*, who moves this Court for an Order sealing the record in the above-styled case. This motion is based upon the following:

1. On the ____ day of _____, 20____, _____ was indicted for an alleged _____.
2. On the ____ day of _____, 20____, _____ pled guilty to a misdemeanor charge of _____ and _____ was sentenced to a probated sentence pursuant to Georgia's First Offender Act, O.C.G.A. § 42-8- 60.
3. On the ____ day of _____, 20____, this Court entered an Order discharging _____ without court adjudication of guilt and exonerating him of any criminal purposes, stating that he retains his civil rights and liberties unimpaired and shall not be considered to have a criminal conviction of the charge (see attached copy).
4. Subsequent to his discharge, _____ and counsel contacted the Clerk of the Court's office regarding the record available to the public. The Criminal Clerk informed _____ and counsel that when the public inquires as to the charge against _____, any person calling is informed that _____ was charged with _____, but the clerk's office will not inform such caller that the charge was reduced to _____ or that _____ has been exonerated of any criminal purpose. The impression left by the clerk's office is that _____ has a pending _____ charge against him.
5. Such a procedure by the clerk's office is contrary to the intent, purpose and specific language of the Georgia First Offender Act, O.C.G.A. § 42-8-62.

6. The Attorney General of the State of Georgia has rendered an opinion (Opinion number U81-32, cited in the annotations to O.C.G.A. § 42-8-65) indicating that it was the clear intent of the General Assembly that court records of first offenders who have been discharged should be confidential and clerks of court should take whatever steps are necessary to restrict access to those records to those officials listed in O.C.G.A. § 42-8-65.

7. Accordingly, to effectuate the purposes of the First Offender Act and to protect _____'s rights under that Act, the Court is respectfully requested to enter an Order directing the clerk of court to seal all records pertaining to the _____ charge against _____ as to all persons except those criminal justice officials listed in O.C.G.A. § 42-8-65.

WHEREFORE, the defendant prays that this motion be granted.

This ____ day of _____, 20____.

Defendant *pro se*

Address

Telephone number _____

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VERIFICATION

Personally appeared before me the undersigned who on oath states that the facts set forth in this Complaint are true and correct to the best of his/her knowledge and belief.

Defendant

Sworn to and subscribed before me

This ____ day of _____, 20____.

Notary Public, State of Georgia

My Commission Expires: _____

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CERTIFICATE OF SERVICE

I hereby certify that I have this day served the foregoing _____ [full title of pleading or other document being served] upon counsel for all parties, [or all parties if no counsel of record] by depositing [causing to be deposited] a copy of same in the United States mail in an envelope with sufficient postage thereon addressed as follows:

[Name and address of counsel of record, or of parties if no counsel of record.]

This ____ day of _____, 20____.

Plaintiff *pro se*

Address

Telephone number _____

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ORDER TO SEAL

Having considered the Defendant's Motion to Seal and for good cause shown, it is hereby

ORDERED, that the Motion to Seal is hereby granted and the clerk of court is directed to seal all records pertaining to the present case. No information regarding the above-numbered indictment should be revealed to any person except criminal justice officials, pursuant to O.C.G.A. § 42-8- 65, without Order of the Court.

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

JUDGE, Superior Courts
Southern Judicial Circuit

Presented by _____

Defendant *pro se*

Address

Telephone number _____