

IN THE _____ COURT OF _____ COUNTY
STATE OF GEORGIA

THE STATE OF GEORGIA,

vs.

Defendant.

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CASE NO. _____

**NOTICE OF REQUIREMENT TO FILE PETITION TO RESTRICT CONVICTION
UNDER SEAL PURSUANT TO O.C.G.A. § 35-3-37(j)(6)(E)**

Pursuant to O.C.G.A § 35-3-37(j)(6)(E), this Petition to Restrict Conviction package is required to be filed under seal.

This _____ day of _____, 20_____.

Attorney for Petitioner

Bar. No.

Address:

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Phone

Attorney Signature

IN THE _____ COURT OF _____ COUNTY

STATE OF GEORGIA

THE STATE OF GEORGIA,

vs.

Defendant.

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CASE NO. _____

PETITION TO RESTRICT CONVICTION
PURSUANT TO O.C.G.A. § 35-3-37(j)(6)

I.

Having been convicted of an offense or offenses and sentenced while being a victim of an offense of trafficking under O.C.G.A. § 16-5-46, this petitioner moves for the restriction of such conviction pursuant to O.C.G.A. § 35-3-37(j)(6).

II.

The petitioner prays that if the prosecuting attorney consents in writing to the restriction of such conviction or fails to respond to this petition within 30 days of service, the court imposing the conviction and sentence, without notice or hearing, shall issue an order restricting the conviction and sentence and also issue an order restricting access to criminal history record information for such offense or offenses, pursuant to O.C.G.A. § 35-3-37(j)(6).

III.

If the prosecuting attorney objects in writing to the petition, the petitioner prays that the court hold a hearing within 90 days of the filing of this petition to hear evidence or make a determination upon the pleadings or record, pursuant to O.C.G.A. § 35-3-37 (j)(6)(D).

IV.

The following are included as Exhibits to demonstrate the Petitioner's status as a victim of an offense of trafficking under O.C.G.A. § 16-5-46 at the time of the offense(s):

- Record(s), certification(s) or eligibility letter(s) from federal, state, tribal or local proceeding(s)

- Affidavit(s), letter(s), or sworn testimony from member of the clergy, medical profession, member of a victim services organization or certified, licensed or registered professional from whom the petitioner has sought assistance counseling or legal counsel related to victimization under O.C.G.A. § 16-5-46

- Other _____

Pursuant to O.C.G.A. § 35-3-37(j)(6)(B)(ii), these exhibits shall create a rebuttable presumption that the petitioner was a victim of trafficking under O.C.G.A. § 16-5-46.

V.

Petitioner prays that no fee, including any filing fees, be charged to an individual for restricting access to criminal history record information under the provision, pursuant to 35-3-37(6)(G)

Respectfully submitted, this _____ day of _____, 20_____.

Attorney for Petitioner

Bar. No.

Address:

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Phone

Attorney Signature

CERTIFICATE OF SERVICE

I hereby certify that I have this day served the within and foregoing Petition to Vacate Conviction Pursuant to O.C.G.A. § 35-3-37, along with a copy of my criminal history background check report conducted by the Georgia Crime Information Center, upon the Prosecuting Attorney's Office,

- by hand delivery of a copy of the same to:

District Attorney / Solicitor General

- by U.S. mail, with proper postage, to:

District Attorney / Solicitor General

Address:

This _____ day of _____, 20____.

Attorney for Petitioner

Attorney Signature