

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 VACATE CONVICTION
UNDER SEAL PURSUANT TO O.C.G.A. § 17-10-21(b)**

Pursuant to O.C.G.A § 17-10-21(b), this Petition to Vacate 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,

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vs.

CASE NO. _____

Defendant.

PETITION TO VACATE CONVICTION
PURSUANT TO O.C.G.A. § 17-10-21

I.

Having been convicted of an offense or offenses and sentenced or having been sentenced under the First Offender Act O.C.G.A. § 42.8.60 or having received Conditional Discharge O.C.G.A. § 16-13-2, as a direct result of being the victim of an offense of trafficking under O.C.G.A. § 16-5-46, this petitioner moves for the vacatur of such conviction pursuant to O.C.G.A. § 17-10-21..

II.

This petition is accompanied by a copy of the petitioner's criminal history background check report conducted by the Georgia Crime Information Center. Such report has been completed no more than three business days prior to the filing of the petition.

III.

There are no outstanding warrants for the Petitioner's arrest issued by any jurisdiction in the State of Georgia or any other state or by the United States.

IV.

The petitioner prays that if the prosecuting attorney consents in writing to the vacatur of such conviction, First Offender sentence under O.C.G.A. § 42.8.60 or Conditional Discharge sentence under O.C.G.A. § 16-13-2, 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 vacating 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. § 17-10-21 (a)(4).

V.

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, pursuant to O.C.G.A. § 17-10-21 (a)(5)(A).

VI.

The following are included as Exhibits to demonstrate the Petitioner's status of 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. § 17-10-21(a)(2)(D), these exhibits shall create a rebuttable presumption that the petitioner was a victim of trafficking under O.C.G.A. § 16-5-46.

VII.

Should the offense be vacated, the petitioner prays that any fines or fees which were paid by the petitioner under such sentence be returned to the petitioner, pursuant to O.C.G.A. § 35-3-37(c).

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. §17-10-21, 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