|  |  |
| --- | --- |
| MUNICIPAL COURT, CITY OF LONGMONT  225 Kimbark Street,  Longmont, CO 80501  Phone: (303)774-4804 Facsimile: (303)774-4345  [longmontmunicipalcourt@longmontcolorado.gov](mailto:longmontmunicipalcourt@longmontcolorado.gov) |  |
| The City of Longmont by and on Behalf of the People of the State of Colorado, Plaintiff,  v.  \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, Defendant. | ▲ **COURT USE ONLY** ▲ |
|  | Case Number:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ |
| **PETITION TO SEAL CRIMINAL JUSTICE RECORDS** | |

**1.** The Petitioner is: (check one only)

[ ] the Defendant and the primary subject of the criminal justice records.

[ ] the Attorney of record for the Defendant.

**2.** Information about the Defendant:

Date of Birth: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Current Mailing Address: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

City, State, Zip Code: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Home Phone #: \_\_\_\_\_\_\_\_\_\_\_\_\_ Work Phone #:\_\_\_\_\_\_\_\_\_\_\_\_\_ Cell #: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**3.** The Petitioner asks this Court for an Order to Seal the Criminal Justice Records in the custody of the following agencies:

[ ] Longmont Municipal Court Case Number: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ [ ] Longmont Police Department Case Number: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

[ ] City Prosecutor’s Office

[X] Colorado Bureau of Investigation (Any Order granting a petition to seal criminal conviction records must be sent to the Colorado Bureau of Investigation.)

[X] Colorado Judicial Branch

[ ] Other: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**VERIFICATION AND ACKNOWLEDGMENT**

I (Petitioner) swear or affirm under oath, and under penalty of perjury, that I have read the foregoing *Petition to Seal Criminal Justice Records* and that the statements set forth therein are true and correct to the best of my knowledge and belief.

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Signature of Petitioner Date Signature of Attorney (if any) Date

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Signature of Parent/Guardian (if under 18) Date

|  |
| --- |
| **Court Use Only**  Domestic Violence Designation:  [ ] The case did not contain a designation of domestic violence.  [ ] The case did contain a crime identified by law enforcement prior to the filing of charges as domestic violence.  [ ] The case did contain an act identified by a city prosecutor in a formal criminal charge as domestic violence.  [ ] The case did contain any crime, the underlying factual basis of which was found by the Court on the record to include an act of domestic violence.  Case Disposition:  [ ] The case against the Defendant was completely dismissed.  [ ] The Defendant was acquitted of all counts in the case.  [ ] The Defendant completed a diversion agreement.  [ ] The Defendant completed a deferred judgment and sentence and all counts are dismissed.  [ ] The Defendant successfully completed Project R.E.W.I.N.D.  Processing Fee:  [ ] The Defendant has paid the $65.00 processing fee.  [ ] The fee was waived by the Court upon a determination of indigency.  [ ] The Court waives the processing fee. |

**CERTIFICATE OF SERVICE**

I certify that on \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ (date) and true and accurate copy of this Petition to Seal Criminal Records was served on the Prosecuting Attorney by:

[ ] Hand Delivery, [ ] E-filed, [ ] Faxed to this number \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ or [ ] by placing it in the United States mail, postage pre-paid, and addressed to the following:

Longmont City Prosecutor

225 Kimbark Street

Longmont, CO 80501

Phone: 303-651-8619

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**Obligations on the Court**

* The Court shall give the defendant eligible to have his or criminal justice records sealed the option of immediately moving to have his or her criminal justice records sealed.
  + This motion may be informal and may be made in open court at the time of the dismissal of the case or the acquittal of the defendant.
  + The motion may also be made by the defendant at any time subsequent to the dismissal or acquittal through the filing of a written motion in the criminal case with written notice to the prosecuting attorney.
* The Court shall promptly process the defendant’s request to seal the criminal justice records within the criminal case without the filing of an independent civil action and without any further evidence except for evidence of the dismissal or acquittal.
* Motions filed under this section are procedural in nature and sealing pursuant to this section applies retroactively for all eligible cases when the case has been completely dismissed or the defendant has been acquitted of all counts in the municipal criminal case.
* If the case is a matter of domestic violence pursuant to 24-4.1-302(1)(bb.3),(bb.7) or (cc), the Court shall provide notice of a hearing on the motion to seal. The Court shall allow the City Prosecutor the opportunity to notify the victim and shall set a return date for a hearing on the sealing motion no later than 42 days after receipt of the motion.
* When the Court seals criminal justice records under this section, the Court shall provide a copy of the Court Order to CBI. The Court shall also provide a copy of the Court Order to each custodian who may have custody of any records subject to the Order.
* The processing fees collected must be reported and paid as municipal cost and must be transmitted to the treasurer of the municipality and deposited in the general fund of the municipality.

**Obligations of the Defendant**

* The Defendant shall pay to CBI any costs related to the sealing of his or her criminal justice records in the custody of the bureau.
* The Defendant shall provide to the Court, within 7 days of the motion if made orally or in conjunction with the motion if filed in writing, a list of all agency custodians who may have custody of any records subject to the Order.
* The Defendant may also provide a copy of the Order to any other custodian of records subject to the Order.

**Obligations of the Custodians**

Each custodian that receives a copy of the Order shall remove the records that are subject to the Order from its records.

|  |  |
| --- | --- |
| MUNICIPAL COURT, CITY OF LONGMONT  225 Kimbark Street,  Longmont, CO 80501  Phone: (303)774-4804 Facsimile: (303)774-4345  [longmontmunicipalcourt@longmontcolorado.gov](mailto:longmontmunicipalcourt@longmontcolorado.gov) |  |
| The City of Longmont by and on Behalf of the People of the State of Colorado, Plaintiff,  v.  \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, Defendant. | ▲ **COURT USE ONLY** ▲ |
|  | Case Number:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ |
| **ORDER TO SEAL CRIMINAL JUSTICE RECORDS**  **PURSUANT TO § 24-72-702.5 C.R.S.** | |

The Court has considered Defendant’s motion to seal criminal justice records pursuant to § 24-72-702.5 C.R.S. and has examined the record. The Court finds Defendant is eligible for relief under § 24-72-702.5, C.R.S.

Information about the Defendant:

Defendant’s Name \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Date of Birth: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Current Mailing Address: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

City, State, Zip Code: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Home Phone #: \_\_\_\_\_\_\_\_\_\_\_\_\_ Work Phone #:\_\_\_\_\_\_\_\_\_\_\_\_\_ Cell #: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**The Court ORDERS that the criminal records information specifically related to and contained in:**

[ ] Longmont Municipal Court Case Number: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ [ ] Longmont Police Department Case Number: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

[ ] City Prosecutor’s Office

[X] Colorado Bureau of Investigation

[X] Colorado Judicial Branch

[ ] Other: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Shall be sealed immediately, except for basic identifying information, and that upon inquiry in the matter, the Person of Interest and criminal justice agencies to which this Order is directed may property reply that no such records exist with respect to such person.

\_\_\_\_\_ Upon payment of $65.00 costs or \_\_\_\_\_ after judicial waiver of the costs, the Court directs the above Order to the Clerk of Court to seal the criminal case listed above. The Order shall be provided, as evidenced by the attached Certificate of Service, to each custodian who may have custody of any of the records subject to this Order.

DONE AND SIGNED this \_\_\_\_\_ day of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, 20\_\_\_\_\_.

BY THE COURT

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Municipal Judge

**CERTIFICATE OF SERVICE**

I certify that on \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ (date) and true and accurate copy of this Order to Seal Criminal Records was served [ ] Hand Delivery, [ ] E-filed, [ ] Faxed to this number \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ or [ ] by placing it in the United States mail, postage pre-paid, and addressed to the following:

[ ] Longmont Municipal Court Case Number: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ [ ] Longmont Police Department Case Number: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

[ ] City Prosecutor’s Office

[X] Colorado Bureau of Investigation

[X] Colorado Judicial Branch

[ ] Other: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Court Clerk