**9-113. Order on motion to seal court records.**

[For use with Magistrate Court Rule 6-114 NMRA,

Metropolitan Court Rule 7-113 NMRA, and

Municipal Court Rule 8-112 NMRA]

STATE OF NEW MEXICO

[COUNTY OF \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_]

[CITY OF \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_]

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ COURT

 No. \_\_\_\_\_\_\_\_\_\_\_\_

[STATE OF NEW MEXICO]

[COUNTY OF \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_]

[CITY OF \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_]

 v.

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, Defendant

**ORDER ON MOTION TO SEAL COURT RECORDS**

 THIS MATTER having come before the Court upon a motion to seal court records, and the Court being otherwise fully advised, FINDS:

[ ] That the motion is well-taken and is GRANTED because:

 1. There exists an overriding interest that overcomes the right of public access to the court record and supports sealing the court record;

 2. There is a substantial probability that the overriding interest will be prejudiced if the court record is not sealed;

 3. The proposed sealing is narrowly tailored; and

 4. There are no less restrictive means to achieve the overriding interest.

 5. \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

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(*Insert detailed facts that support each finding above. Note: This paragraph will need to be sealed from public access as it may reveal too much about what is being sealed. Delete these instructions in the final order.*)

[ ] That the motion is not well-taken and is DENIED. The court clerk is instructed to return any lodged pleadings to the pro se party or counsel of record who filed the motion.

(*Complete the following only if motion is GRANTED.*)

IT IS THEREFORE ORDERED THAT:

The following court records are sealed from public access:

[ ] Motion to seal

[ ] Brief in support of motion to seal

[ ] Response to motion to seal

[ ] Reply to response to motion to seal

[ ] Lodged pleading now named \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ (*e.g., Sealed Affidavit or Sealed Pleading*)

[ ] Individual docket entries for each of the court records sealed above shall also be sealed and titled: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_.

[ ] Entire court case file shall be sealed and the case shall now be referred to as, “*In the Matter of a Sealed Case*,” but the court case number shall remain the same.

[ ] Register of actions

[ ] \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ (*other*)

Only the following individuals shall be authorized to have access to the sealed court records:

[ ] Judge

[ ] Court personnel

[ ] Prosecutor

[ ] Defendant

[ ] Counsel of record

[ ] Local, state, tribal, and federal agencies authorized by law to collect or use the information (*criminal justice agencies*)

[ ] \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ (*other*)

 The Movant is hereby ordered to prepare redacted copies of the sealed court records that may be made available for public access.

 This order shall remain in effect until \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ (*date*) or until further order of the court.

 Notice will be given to the following upon any future motions to unseal this order or modify this sealing order:

Name and address of Prosecutor:

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

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Name and address of Defendant:

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

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Name and address of non-party entitled to notice:

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

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Name and address of non-party entitled to notice:

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

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[*Email addresses should also be provided above, if available. Service by email is limited under Rules 6-211, 7-211, and 8-210 NMRA.*]

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

 Judge

[Adopted by Supreme Court Order No. 13-8300-035, effective for all cases pending or filed on or after December 31, 2013.]