

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.

(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.]