

# SEALING A CASE

## (SIMPLIFIED SEALING PROCESS)

- With certain exceptions, applies to criminal justice records where a case against a defendant:
  - completely dismissed
  - acquitted of all charges
  - successfully completes a diversion agreement
  - successfully completes a deferred judgement and sentence



# FORMS NEEDED



JDF 477 MOTION TO SEAL

JDF 478 ORDER TO SEAL

JDF 492 ORDER DENYING MOTION TO SEAL

JDF 493 ORDER AND NOTICE OF HEARING

# MOTION TO SEAL: STEP 1

## FILL IN THE CAPTION

District  County Court

Larimer County, Colorado

Court Address: 201 La Porte Ave, Ste 100  
Fort Collins, CO 80521

**People of the State of Colorado**

v.

**Defendant**

▲ **COURT USE ONLY** ▲

Case Number:

[REDACTED]

Division:

Courtroom:

[REDACTED]

**MOTION TO SEAL CRIMINAL JUSTICE RECORDS  
PURSUANT TO §24-72-705, C.R.S.**

# MOTION TO SEAL-STEP 2

I, \_\_\_\_\_ (defendant's name), am the defendant in the above captioned case.

**Defendant's Name:** \_\_\_\_\_ **Date of Birth:** \_\_\_\_\_

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

**City:** \_\_\_\_\_ **State:** \_\_\_\_\_ **Zip Code:** \_\_\_\_\_ **Phone:** \_\_\_\_\_

I was acquitted of all charges on \_\_\_\_\_.

The case was completely dismissed on \_\_\_\_\_, and the dismissal was not part of a plea agreement in a separate case.

I completed a diversion agreement on \_\_\_\_\_.

I completed a deferred judgment and sentence on \_\_\_\_\_, and the deferred judgment and sentence does not pertain to any of the following offenses:

- An offense concerning the holder of a commercial driver's license or the operator of a commercial motor vehicle pursuant to § 42-2-402, C.R.S.
- An offense for which the factual basis involved unlawful sexual behavior pursuant to § 16-22-102(9), C.R.S.

Check appropriate box and include the date of the order



# MOTION TO SEAL-STEP 3

**Agencies having records related to this case are:**

Sheriff's Department

District Attorney

Colorado Bureau of Investigation (Statute authorizes this agency to assess an additional fee to seal its records)

Law Enforcement Agency (identify): \_\_\_\_\_

Other: \_\_\_\_\_

Arrest number (from fingerprint card): \_\_\_\_\_ Date: \_\_\_\_\_

By checking this box, I am acknowledging I am filling in the blanks and not changing anything else on the form.

OR

By checking this box, I am acknowledging that I have made a change to the original content of this form.

# MOTION TO SEAL-STEP 4

## VERIFICATION

I declare under penalty of perjury under the law of Colorado that the foregoing is true and correct.

Executed on the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, at \_\_\_\_\_  
(date) (month) (year) (city or other location, and state OR country)

\_\_\_\_\_  
(Printed name of Defendant)

\_\_\_\_\_  
Signature of Defendant

## CERTIFICATE OF MAILING

I certify that on \_\_\_\_\_ (date) a true and accurate copy of this *Motion to Seal Criminal Justice Records Pursuant to §24-72-705, C.R.S.* was served on the Prosecuting Attorney by:

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

DA's Office

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

\_\_\_\_\_  
Signature of Defendant

# ORDER TO SEAL

District  County Court  
\_\_\_\_\_**Larimer**\_\_\_\_\_ County, Colorado

Court Address: **201 La Porte Ave, Ste 100**  
**Fort Collins, CO 80521**

**People of the State of Colorado**

v. **[REDACTED]**

**Defendant**

▲ **COURT USE ONLY** ▲

Case Number:

**[REDACTED]**

Division:

Courtroom:

**[REDACTED]**

**ORDER TO SEAL CRIMINAL JUSTICE RECORDS  
PURSUANT TO §24-72-705, C.R.S.**

# ORDER DENYING MOTION TO SEAL

District Court  County Court Larimer County, Colorado

Court Address:

201 La Porte Ave, Ste 100  
Fort Collins, CO 80521

**People of the State of Colorado**

v.

[REDACTED]

**Defendant**

▲ **COURT USE ONLY** ▲

Case Number: [REDACTED]

Division: \_\_\_\_\_ Courtroom: [REDACTED]

**ORDER DENYING MOTION TO SEAL CRIMINAL JUSTICE  
RECORDS PURSUANT TO § 24-72-705, C.R.S.**



# ORDER AND NOTICE OF HEARING

District Court  County Court Larimer County,  
Colorado  
Court Address: 201 La Porte Ave, Ste 100  
Fort Collins, CO 80521

**People of the State of Colorado**

v. [REDACTED]

**Defendant**

▲ **COURT USE ONLY** ▲

Case Number:

Division Courtroom

**ORDER AND NOTICE OF HEARING TO SEAL CRIMINAL JUSTICE  
RECORDS PURSUANT TO § 24-72-705, C.R.S.**

# ONCE THE PAPERWORK IS COMPLETE

- YOU WILL MAKE A COPY OF THE MOTION AND DELIVER IT TO THE LARIMER COUNTY DISTRICT ATTORNEY'S OFFICE (HAND DELIVERY TO THEIR OFFICE LOCATED ON THE 2<sup>nd</sup> FLOOR OF THE JUSTICE CENTER MAY BE EASIEST)
- YOU WILL FILE ORIGINALS OF ALL COMPLETED PAPERWORK WITH THE CLERK OF COURT'S OFFICE





- FILING FEE IS \$65.00
  - IF YOU ARE UNABLE TO PAY THE FILING FEE, YOU MUST COMPLETE THE MOTION TO FILE WITHOUT PAYMENT AND SUPPORTING FINANCIAL AFFIDAVIT
- ANY COPIES MADE BY US WILL BE .25 CENTS PER PAGE

# 3 DIFFERENT POSSIBLE OUTCOMES



1. MOTION MAY BE GRANTED WITHOUT A HEARING
2. MOTION MAY BE DENIED
3. A JUDICIAL OFFICER MAY SET A HEARING
  - YOU WILL RECEIVE A NOTICE WITH A HEARING DATE



## IF A HEARING DATE IS SET



- BE PREPARED TO ANSWER QUESTIONS ABOUT THE REQUEST FOR SEALING AND ANY OBJECTIONS FILED
  - AT THIS TIME YOU MAY PRESENT ANY EXHIBITS AND/OR HAVE WITNESSES TESTIFY ON YOUR BEHALF



# IF THE MOTION IS GRANTED AND AN ORDER IS ENTERED



IT IS YOUR RESPONSIBILITY TO NOTIFY THE COLORADO BUREAU OF INVESTIGATION (YOU WILL BE REQUIRED TO PAY A FEE TO THIS AGENCY TO SEAL RECORDS <https://www.Colorado.gov/cbi>) AND THOSE AGENCIES LISTED ON THE ORDER, BY PROVIDING EACH AGENCY WITH A COPY OF THE SIGNED ORDER. YOUR FAILURE TO NOTIFY THE AGENCIES MAY RESULT IN YOUR ARREST AND CRIMINAL RECORDS NOT BEING SEALED. YOU DO NOT NEED TO NOTIFY THE DISTRICT OR COUNTY COURT.

# IF YOUR CASE IS SEALED

The Court, law enforcement and criminal justice agencies will always have access to the file. The files are not destroyed. However, as provided under the statute, if inquiries are made by anyone other than a criminal justice agency, all agencies may respond that “no such record exists with respect to such person”. ♦ For additional information, please review Colorado Revised Statute § 24-72-705, C.R.S.

