

9-114. Order on motion to unseal 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

[STATE OF NEW MEXICO]
[COUNTY OF _____]
[CITY OF _____]

v. _____ No. _____
_____, Defendant.

ORDER ON MOTION TO UNSEAL COURT RECORDS

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

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

1. There is no longer an overriding interest that overcomes the right of public access to the court record or supports sealing the court record;
2. There is no interest that will be prejudiced if the court record is no longer sealed;
3. The current sealing is no longer narrowly tailored; and
4. There are less restrictive means to achieve the overriding interest that prompted the original order to seal.
5. _____

(Insert detailed facts that support each finding above. Note: This paragraph will not need to be sealed from public access. Delete these instructions in the final order.)

[] That the motion is not well-taken and is DENIED because:

1. There continues to exist an overriding interest that overcomes the right of public access to the court record and supports the continued sealing of the court record;
2. There is a substantial probability that the overriding interest will be prejudiced if the court record does not remain sealed;
3. The existing 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.)

IT IS THEREFORE ORDERED THAT the motion to unseal is DENIED and the court clerk is instructed that all court records previously sealed by order of this court are to remain sealed.

(Complete the following only if motion is GRANTED.)

IT IS THEREFORE ORDERED THAT:

The following court records are unsealed and are now available for 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 named _____ (List specific pleading or portions of pleadings that are to be unsealed.)
- Individual docket entries for each of the court records unsealed above shall also be unsealed and shall be titled as they would have been if they had not been sealed.
- Register of actions
- All records
- _____ (other)

The court records that are hereby unsealed as set forth above are subject to 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 seal this order or to modify this unsealing order:

Name and address of Prosecutor:

Name and address of Defendant:

Name and address of non-party entitled to notice:

Name and address of non-party entitled to notice:

[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.]