IN THE SUPERIOR COURT OF PICKENS COUNTY
IN THE SUPERIOR COURT OF GILMER COUNTY
IN THE SUPERIOR COURT OF FANNIN COUNTY
APPALACHIAN JUDICIAL CIRCUIT

STATE OF GEORGIA

ORDER REGARDING LIMITATION OF FIRST OFFENDER RECORDS

Effective July 1, 2026, public access to the records of the Clerk, law enforcement agencies, jails, and detention centers shall be limited at the time of sentencing for all criminal defendants sentenced under the provisions of the First Offender Act. See O.C.G.A. § 42-8-62.1.

To comply with the provisions of this statute, it is hereby ORDERED that the Clerk of Superior Court shall provide a copy of the sealing order, attached hereto, to any judge sentencing a criminal defendant pursuant to the provisions of the First Offender Act. Within sixty (60) days of the entry of the Order, the Clerk shall cause every document in connection with such defendant's case, physical or electronic, to be sealed and restricted from public view, except as set forth in O.C.G.A. § 42-8-62.1(h).[1]

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[1] Until the criminal defendant is exonerated and discharged or is adjudicated guilty, the sealed records shall not be restricted from the following entities or in the following circumstances:
(1) for purpose of determining employment as set forth in O.C.G.A. § 42-8-63.1;
(2) criminal justice agencies as defined in O.C.G.A. § 35-3-30;
(3) as proof in a subsequent prosecution, as set forth in O.C.G.A. § 42-8-65;
(4) any prosecuting attorney who shall then be authorized to share relevant information with the victim of the underlying first offender offense;
(5) any judge or court personnel;
(6) any public defender;
(7) the individual who is the subject of the sealed court files or restricted criminal history information;
(8) the Judicial Qualifications Commission;
(9) the Department of Community Supervision;
(10) the State Board of Pardons and Paroles;
(11) any disclosure or consideration of criminal history record information required by federal or state law;
(12) for the purpose of any determination regarding the transfer of a firearm or the issuance of a license pursuant to O.C.G.A. § 16-11-129; or
(13) pursuant to a court order.

It is FURTHER ORDERED that the Superior Court Clerk shall transmit a copy of the sealing order to the arresting law enforcement agency(ies), jail(s), and detention center(s) within ten (10) days of entry of the order. The law enforcement agency(ies), jail(s), and detention center(s) shall have thirty (30) days of their respective receipt of the sealing order to restrict the defendant's criminal history record information or arrest, including any fingerprints or photographs taken in conjunction with such arrest, except as set forth in O.C.G.A. § 42-8-62.1(h), *supra*.

Within sixty (60) days of exoneration and discharge without court adjudication of guilt, the criminal file, docket books, criminal minutes, final record, and all other records of the court shall remain restricted from public view, except as set forth in O.C.G.A. § 42-8-62.2(g)[2].

If the defendant is adjudicated guilty of the underlying First Offender Act offense, restriction and sealing shall be removed.

Additionally, O.C.G.A. §§ 42-8-62.1(c), 42-8-62.2 authorizes a criminal defendant, who has been exonerated of guilt and discharged without court adjudication of guilt prior to July 1, 2026, to file a petition seeking to restrict public access to the criminal file, docket books, criminal minutes, final records, all other records of the court, and the defendant's criminal history record information in the custody of the clerk of court, including within any index. The Court is required to grant such a petition within ninety (90) days of the filing of the petition. Accordingly, it is

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[2] The sealed records of a defendant who has been exonerated and discharged shall not be restricted from the following entities or in the following circumstances:

(1) as proof in a subsequent prosecution, as set forth in O.C.G.A. § 42-8-65;
(2) the Judicial Qualifications Commission;
(3) judges of courts of competent jurisdiction in the State of Georgia;
(4) prosecuting attorneys or public defenders who submit a sworn affidavit to the Clerk of Superior Court attesting that the information is relevant to a criminal proceeding (without the necessity of a Court Order);
(5) pursuant to a Court Order;
(6) by the individual who is the subject of the sealed court files or restricted criminal history record information.

hereby ORDERED that the Clerk of Superior Court shall notify the Judge assigned to the matter immediately upon the filing of the same.

SO ORDERED, this the 13th day of August, 2026.

Hon. Brenda S. Weaver, Chief Superior Court Judge
Appalachian Judicial Circuit

Hon. Mary Elizabeth Priest, Superior Court Judge
Appalachian Judicial Circuit

Hon. B. Alison Sosebee, Superior Court Judge
Appalachian Judicial Circuit

IN THE SUPERIOR COURT OF _____ COUNTY
STATE OF GEORGIA

STATE OF GEORGIA,	*	
	*	Criminal Action
v.	*	File No. _____
	*	
_____,	*	
Defendant.	*	

ORDER TO LIMIT PUBLIC ACCESS TO FIRST OFFENDER SENTENCING INFORMATION

The above-styled Defendant having been sentenced pursuant to the provisions of O.C.G.A. § 42-8-60, *et seq.*, it is HEREBY ORDERED that the Clerk of Superior Court shall limit public access to Defendant's first offender records, including, but not limited to, the criminal file, docket books, criminal minutes, final record, Defendant's criminal history record information in the custody of the Clerk of Court (including within any index), and all other records of the court related to this matter.

It is FURTHER ORDERED that any arresting agency, jail, or detention center shall restrict the Defendant's criminal history record information of arrest, including any fingerprints or photographs taken in conjunction with the arrest underlying this matter.

It is FURTHER ORDERED that the Clerk of Court shall display on the file in bold print on the cover of the file a notice to all court personnel that such file is sealed from the public view and dissemination of the contents to anyone other than those authorized by O.C.G.A. § 42-8-62.1 is prohibited. Such notice, along with this Order, shall be sealed from public view and only available to the parties identified in O.C.G.A. § 42-8-62.1(h), who shall maintain full access to the record.

It is FURTHER ORDERED that the limitation of access to Defendant's information, as set forth herein, shall be removed immediately in the event that the First Offender Act sentence is revoked and Defendant is adjudicated guilty of the underlying First Offender Act offense.

SO ORDERED this _____ day of _____, 2026.

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- ☐ **Chief Judge Brenda S. Weaver**
- ☐ **Judge Mary Elizabeth Priest**
- ☐ **Judge B. Alison Sosebee**
- ☐ **Judge** _____

Superior Court
Appalachian Judicial Circuit