

STATE OF NORTH DAKOTA

IN DISTRICT COURT

COUNTY OF \_\_\_\_\_

\_\_\_\_\_ JUDICIAL DISTRICT

THE STATE OF NORTH DAKOTA

)

)

Criminal Case No. \_\_\_\_\_

PLAINTIFF,

)

Vs

)

)

**BRIEF IN SUPPORT OF**

\_\_\_\_\_  
(Defendant)

)

**MOTION TO PROHIBIT PUBLIC**

)

**INTERNET ACCESS**

DEFENDANT. )

1. The defendant in this matter was charged on \_\_\_\_\_  
with \_\_\_\_\_  
\_\_\_\_\_.

On \_\_\_\_\_,  the charges against the defendant were  
dismissed /  the defendant was acquitted of the charges.

2. When criminal charges against a defendant are dismissed or the defendant is acquitted, N.D.Sup.Ct.Admin.R. 41, Section 6(a)(6), allows the court to prohibit public internet access to the individual defendant's electronic court record if, after conducting a balancing analysis and making findings under N.D.Sup.Ct.Admin.R. 41, Section 6(a), paragraphs (1) through (5), it concludes that the interest of justice will be served.

3. Under the balancing analysis, the court must decide whether there are sufficient grounds to overcome the presumption of openness of court records and prohibit access according to applicable constitutional, statutory and case law. The court must consider that the presumption of openness may only be overcome by an overriding interest. The court must articulate this interest along with specific findings sufficient to allow a reviewing court to determine whether the closure order was properly entered.



Dated this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

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Defendant Signature

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Printed Name

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Address

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City, State, Zip Code

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Telephone Number