


MOTION FOR REFUND AFTER INVALIDATED CONVICTION	CASE DOCKET NUMBER	TRIAL COURT OF MASSACHUSETTS 
COMMONWEALTH vs. _____ DEFENDANT		_____ Court District/Superior/BMC Juvenile

INTERPRETER/TRANSLATION SERVICES:

I request the assistance of a _____ language interpreter or translator to complete this form.

Note: There is no charge to you for interpreter or translation services.

INSTRUCTIONS:

Please check all of the boxes below that apply to your request for a refund of the court fees and fines you paid.

The Trial Court’s records for this case may show the types and amounts of fines and fees ordered and the amount you paid. The clerk’s office will get those records and give you a copy.

REASONS FOR MY REQUEST FOR A REFUND:

I am eligible for a refund because:

1. I was convicted or my case was continued without a finding of guilt; and
2. I paid money to the court as part of my sentence; and
3. My conviction or continuance without a finding was invalidated (vacated or overturned); and
4. To the best of my knowledge, I will not be re-prosecuted.

FINES AND FEES:

Check all that apply:

I paid the following:

- Victim-Witness fee. I paid \$ _____
 I do not remember how much I paid.
- Fine. I paid \$ _____
 I do not remember how much I paid.
- Court costs. I paid \$ _____
 I do not remember how much I paid.

Drug assessment fee. I paid \$ _____

I do not remember how much I paid.

Monthly probation supervision fees. I paid \$ _____

I do not remember how much I paid.

Restitution. I paid \$ _____

I do not remember how much I paid.

Other fines or fees ordered. I paid \$ _____

Specify types of fines or fees:

I do not remember how much I paid.

I do not know/remember what types of fees I paid.

Total amount paid \$ _____;

DOCUMENTATION: (Check the box that applies to you.)

I have attached receipts or other papers showing what I paid.

I do not have receipts or other papers showing what I paid.

THEREFORE, I ask the court to order the Commonwealth to return the money I paid.

I understand the penalties for perjury and I swear that the above statements are true to the best of my knowledge.

SIGNATURE: _____

DATE SIGNED: __/__/____

PRINT NAME: _____	ADDRESS: _____ _____	PHONE NUMBER: _____
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FOR CLERK-MAGISTRATE’S USE ONLY:

- 1. The clerk’s office has printed and attached to this motion the handwritten Docket Sheet;
- 2. The clerk’s office has transmitted this motion, with attachments, to the Trial Court’s Fiscal Department to retrieve all financial data related to fees paid by this claimant (e.g. MassCourts Criminal Case Summary, MassCourts Financial Case Summary, MassCourts Financial Docket Summary, MassCourts View Case Receipts); Date:

Upon Receipt of Documents from the Fiscal Department:

- 3. The Clerk’s office has attached to this motion all documents, if any, received from the Trial Court’s Fiscal Department;
- 4. The Clerk’s office has transmitted this motion, with all attachments, to the District Attorney’s or Attorney General’s Office for a response to be filed within 30 days; **and**
- 5. The Clerk’s office has transmitted a copy of this motion, **where practicable**, to _____, the attorney who represented the defendant in the underlying case; **and**
- 6. The Clerk’s office has provided the defendant **with one** complete copy of this motion (including all attachments). The defendant may file any response within the deadline provided below.

DATE: ___/___/____	CLERK-MAGISTRATE OR DESIGNEE SIGNATURE: _____	RESPONSES DUE ON: ___/___/____
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FOR JUDGE'S USE ONLY:

DECISION AND ORDER ON THE MOTION

This Motion is (specify details below):

- Allowed in whole.
- Allowed, in part, for the following reasons: _____
_____.
- The Commonwealth is ordered to return \$_____, monies paid for _____ (*specific type(s) of exaction*) to the defendant;
- \$_____, monies paid for _____ (*specific type(s) of exaction*) are excluded due to the following surviving conviction(s):
_____.

THEREFORE, THE COMMONWEALTH IS ORDERED TO PAY THE DEFENDANT \$ _____

- Denied for the following reasons: _____
_____.
- To be marked up for a hearing, notice to issue to the parties.

JUDGE'S SIGNATURE:

DATE SIGNED: ___/___/___