

## **PETITION FOR DISMISSAL UNDER PENAL CODE §§ 17(B); 17(D)(2); 1203.4; 1203.4A; 1203.41; 1203.42; 1203.43 AND 1203.49**

### SELF-HELP FORM PACKET



SHC-CRIM-01 (Rev. 07/28/2021)

Self-Help Services can review your completed forms before you file them with the Court. To request review of your completed forms:

1. Complete the attached forms in black ink.
2. Scan your completed forms and save as a single PDF file.
3. Go to [www.occourts.org/self-help](http://www.occourts.org/self-help) (click the blue button labeled *Click Here to Contact Self-Help Services*), attach the PDF, and complete the online request form. Make sure to select CRIMINAL/TRAFFIC as the case type on the form.

## INSTRUCTIONS FOR FILLING OUT A PETITION FOR DISMISSAL (SHC-CRIM-01)

### STEP 1: HAVE YOUR CASE INFORMATION AVAILABLE

Review your case file to gather the information listed below. If you do not have your case file, you can print a free summary of your case at: [https://ocjustice.occourts.org/Vision\\_PublicNS/](https://ocjustice.occourts.org/Vision_PublicNS/). If you have any questions, please contact the Self-Help Center at: 657-622-6623 or by email at [SelfHelpCrimTraffic@occourts.org](mailto:SelfHelpCrimTraffic@occourts.org).

Information Needed:

1. Date of Conviction or Disposition
2. Type of Violation (Code and Section number) e.g., PC 487(a), VC 23152(a) or HS 11357
3. Type of Offense (felony, misdemeanor or infraction)
4. Whether your case is eligible for reduction from felony to misdemeanor or from misdemeanor to infraction.

### STEP 2: DETERMINE IF YOU ARE ELIGIBLE

Type of Offense	Requirements
Felony or misdemeanor with probation	<ul style="list-style-type: none"><li>• Fulfilled all conditions of probation or discharged from probation before period ended</li><li>• Not currently serving a sentence for any offense, on probation or charged with commission of any crime</li><li>• Can file any time after termination of probation</li></ul>
Misdemeanor or infraction, not granted probation	<ul style="list-style-type: none"><li>• Not granted probation and complied with sentence of the court</li><li>• Not serving sentence for any offense or charged with commission of any crime</li><li>• Has lived an honest and upright life since judgment and obeyed laws of the land or should be granted relief in the interests of justice</li><li>• Can file after one year since the date of judgment</li></ul>
Misdemeanor under PC 647(b)	<ul style="list-style-type: none"><li>• Completed probation for conviction of solicitation or prostitution</li><li>• Can show by clear and convincing evidence that conviction was because you were a victim of human trafficking</li></ul>
Felony county jail sentence under PC 1170(h)(5)	<ul style="list-style-type: none"><li>• Not under supervision</li><li>• Not serving sentence, on probation or charged with commission of any offense</li><li>• &gt; 1 year since felony county jail sentence with mandatory supervision by county probation officer (split sentence)</li><li>• &gt; 2 years since felony county jail sentence without mandatory supervision (straight sentence in custody)</li></ul>
Felony prison sentence that would've been eligible for felony county jail sentence after 2011	<ul style="list-style-type: none"><li>• Not under supervision</li><li>• Not serving sentence, on probation or charged with commission of any offense</li><li>• &gt; 2 years since felony prison sentence completed</li></ul>
Deferred entry of judgment	<ul style="list-style-type: none"><li>• Performed satisfactorily during period of deferred entry of judgment</li><li>• Criminal charges were dismissed</li></ul>

# STEP 3: FILL OUT FORMS CR-180 AND CR-181

CR-180

ATTORNEY OR PARTY WITHOUT ATTORNEY: STATE BAR NUMBER: NAME: <b>Write your full name as shown in your case file,</b> FIRM NAME: <b>your current address and contact information.</b> STREET ADDRESS: CITY: STATE: ZIP CODE: TELEPHONE NO.: FAX NO.: E-MAIL ADDRESS: ATTORNEY FOR (name):	<b>FOR COURT USE ONLY</b>
PEOPLE OF THE STATE OF CALIFORNIA v. DEFENDANT: <b>Write your name as shown in your case</b> DATE OF BIRTH: <b>date of birth</b>	CASE NUMBER: <b>Write your Case Number</b>
<b>PETITION FOR DISMISSAL</b> (Pen. Code, §§ 17(b), 17(d)(2), 1203.4, 1203.4a, 1203.41, 1203.42, 1203.43, 1203.49)	<b>FOR COURT USE ONLY</b> DATE: TIME: DEPARTMENT:

**Write date of conviction or date of deferred entry of judgment found in your case summary**

1. On (date): \_\_\_\_\_, the petitioner (the defendant in the above-entitled criminal action) was convicted of a violation of the following offenses or was granted deferred entry of judgment for the following offenses:

Code	Section	Type of offense (felony, misdemeanor, or infraction):	Eligible for reduction to misdemeanor under Penal Code, § 17(b) (yes or no)	Eligible for reduction to infraction under Penal Code, § 17(d)(2) (yes or no)
<b>E.g. PC</b>	<b>E.g. 484(a)</b>	<b>Misdemeanor</b>	<b>Y/N</b>	<b>Y/N</b>

**Read sections 2 through 7 and only check the boxes that apply to your situation. Likely, you will check one section and leave the rest blank.** If additional space is needed for listing offenses, use *Attachment to Judicial Council Form* (form MC-025).

2.  **Felony or misdemeanor with probation granted (Pen. Code, § 1203.4)** **Review the "O" as possible applicable sections.**
- Probation was granted on the terms and conditions stated in the docket of the above-entitled court; the petitioner is not serving a sentence for any offense, on probation for any offense, or under charge of commission of any crime, and the petitioner (check all that apply)
- a.  has fulfilled the conditions of probation for the entire period thereof.
- b.  has been discharged from probation prior to the termination of the period thereof.
- c.  should be granted relief in the interests of justice. (Please note: You may explain why granting a dismissal would be in the interests of justice. You can provide that information by writing in the space below, or by attaching a letter or other relevant documents. If you need more space for your writing, you can use the Attached Declaration (form MC-031) and attach it to this petition.)

**Check box #2 if you were convicted of a felony or misdemeanor and granted probation. Check a, b or c, as applicable. If you did not complete probation successfully or were not discharged early from probation, then check box "c." You may write a declaration (form MC-031) explaining why a dismissal would be in the interests of justice. Please see attached Sample Declaration. You may also include letters of reference, certificates of completion or any other relevant documents that support your request for a dismissal.**

PEOPLE OF THE STATE OF CALIFORNIA v. DEFENDANT:

CASE NUMBER:

**Write your full name as shown in your case file****Write your Case Number**3.  **Misdemeanor or infraction with sentence other than probation (*Pen. Code, § 1203.4a*)**

Probation was not granted; more than one year has elapsed since the date of pronouncement of judgment. Petitioner has complied with the sentence of the court and is not serving a sentence for any offense or under charge of commission of any crime; and the petitioner (*check one*):

- a.  has lived an honest and upright life since pronouncement of judgment and conformed to and obeyed the laws of the land; **or**
- b.  should be granted relief in the interests of justice. (*Please note: You may explain why granting a dismissal would be in the interests of justice. You can provide that information by writing in the space below or by attaching a letter or other relevant documents. If you need more space for your writing, you can use the Attached Declaration (form MC-031) and attach it to this petition.*)

**Check box #3 only if you were convicted of a misdemeanor or infraction and not granted probation and check a or b, as applicable.**

4.  **Misdemeanor conviction under Penal Code section 647(b) (*Pen. Code, § 1203.49*)**

Petitioner has completed a term of probation for a conviction under Penal Code section 647(b) and should be granted relief because the petitioner can establish by clear and convincing evidence that the conviction was the result of his or her status as a victim of human trafficking.

(*Please note: You may provide evidence that the conviction was the result of your status as a victim of human trafficking. You can provide that information by writing in the space below or by attaching a letter or other relevant documents. If you need more space for your writing, you can use the Attached Declaration (form MC-031) and attach it to this petition.*)

**Check box #4 only if you have clear and convincing evidence that your conviction for solicitation or prostitution was the result of your status as a victim of human trafficking.**

5.  **Felony county jail sentence under Penal Code section 1170(h)(5) (*Pen. Code, § 1203.41*)**

Petitioner is not under supervision under Penal Code section 1170(h)(5)(B); is not serving a sentence for, on probation for, or charged with the commission of any offense; and should be granted relief in the interests of justice, and (*check one*)

- a.  more than one year has elapsed since petitioner completed the felony county jail sentence **with** a period of mandatory supervision imposed under Penal Code section 1170(h)(5)(B); **or**
- b.  more than two years have elapsed since petitioner completed the felony county jail sentence **without** a period of mandatory supervision imposed under Penal Code section 1170(h)(5)(A).

(*Please note: You may explain why granting a dismissal would be in the interests of justice. You can provide that information by writing in the space below or by attaching a letter or other relevant documents. If you need more space for your writing, you can use the Attached Declaration (form MC-031) and attach it to this petition.*)

**Check box #5 only if you served a felony county jail sentence under PC 1170(h)(5).**

**If you were sentenced to county jail with mandatory supervision and more than a year has elapsed since you completed your sentence, then check "a."**

**If you were sentenced to county jail without mandatory supervision and more than two years have elapsed since you completed your sentence, then check "b."**

**You may complete a declaration (form MC-031) where you explain why granting a dismissal would be in the interests of justice. Please see attached Sample Declaration. You may also include letters of reference, certificates of completion or any other relevant documents that support your request for a dismissal.**

PEOPLE OF THE STATE OF CALIFORNIA v. DEFENDANT: <b>Write your full name as shown in your case file</b>	CASE NUMBER: <b>Write your Case Number</b>
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6.  **Felony prison sentence that would have been eligible for a felony county jail sentence after 2011 under Penal Code section 1170(h)(5) (Pen. Code, § 1203.42)**

Petitioner is not under supervision and is not serving a sentence for, on probation for, or charged with the commission of any offense; more than two years have elapsed since petitioner completed the felony prison sentence; and petitioner should be granted relief in the interests of justice.

*(Please note: You may explain why granting a dismissal would be in the interests of justice. You can provide that information by writing in the space below or by attaching a letter or other relevant documents. If you need more space for your writing, you can use the Attached Declaration (form MC-031) and attach it to this petition.)*

**Check box #6 only if you were sentenced to state prison, but you would have been eligible for a felony county jail sentence after 2011. You can explain why your petition should be granted in the interests of justice. Please see attached Sample Declaration. You may also include letters of reference, certificates of completion or any other relevant documents that support your request for a dismissal.**

**Check box #7 only if you successfully completed a deferred entry of judgment program and check a or b, as applicable.**

7.  **Deferred entry of judgment (Pen. Code, § 1203.43)**  
 Petitioner performed satisfactorily during the period in which deferred entry of judgment was granted. The criminal charge (s) were dismissed under former Penal Code section 1000.3 on (date): \_\_\_\_\_ . Furthermore (check one),

- a.  court records are available showing the case resolution; **or**
- b.  petitioner declares under penalty of perjury that the charges were dismissed after he or she completed the requirements for deferred entry of judgment. Petitioner (check one)
  - (1)  has
  - (2)  has not
 attached a copy of his or her state summary criminal history information.

8. Petitioner requests that the eligible felony offenses listed above be reduced to misdemeanors under Penal Code section 17(b) and eligible misdemeanor offenses be reduced to infractions under Penal Code section 17(d)(2).

9. Petitioner requests that he or she be permitted to withdraw the plea of guilty, or that the verdict or finding of guilt be set aside and a plea of not guilty be entered and the court dismiss this action under the Penal Code section(s) noted above.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date: **Write today's date**

 **Sign**  
 \_\_\_\_\_  
 (SIGNATURE OF PETITIONER OR ATTORNEY)

**Write your complete address**  
 \_\_\_\_\_  
 (ADDRESS OF PETITIONER) (CITY) (STATE) (ZIP CODE)

PLAINTIFF/PETITIONER: People of the State of California v. DEFENDANT/RESPONDENT:	CASE NUMBER:
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### THINGS TO CONSIDER BEFORE WRITING YOUR DECLARATION

*(This form must be attached to another form or court paper before it can be filed in court.)*

The declaration is your chance to present your statement and evidence to convince the judge that you deserve a dismissal.

Here are some ideas that you can include in your declaration:

1. Explain the basic information about your conviction and sentence. Tell the judge why your conviction meets the requirements for dismissal.
2. Explain why granting your dismissal would be "in the interests of justice"— meaning why you deserve to have your conviction dismissed, and how the dismissal will help you succeed in the future.
  - a. Here are some examples of things you may want to talk about (but only if they are true for your situation):
    - i. If there were circumstances that made your life especially difficult at time of your conviction;
    - ii. How you are turning your life around;
    - iii. Your work and/or school history (including any vocational training, GED or other classes, and other programs you've participated in);
    - iv. Current opportunities for work, school, and other activities to enrich your life, and how dismissal will help you take advantage of these opportunities;
    - v. Your family situation and needs, and how a dismissal will help you reconnect with, support, or otherwise benefit your family; and
    - vi. Any problems you have had completing probation, and what you are doing to address those problems.

You should be specific and honest, and include as many details as possible to give the judge a clear picture of what happened. But you should not include irrelevant or unnecessary information that might distract the judge.

You may also include letters of reference, certificates of completion or any other relevant documents.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date:

### SAMPLE ONLY: DO NOT FILE THIS PAGE

\_\_\_\_\_  
(TYPE OR PRINT NAME)

\_\_\_\_\_  
(SIGNATURE OF DECLARANT)

- Attorney for     Plaintiff     Petitioner     Defendant  
 Respondent     Other (*Specify*):

Next, on form CR-181, fill out the information in the top boxes of page 1 and page 2. Write your full name as shown in your case file, your current address and contact information, Date of Birth and Case Number. Do not fill out the information below the boxes, as the court will fill out the rest of the form to make orders.

ATTORNEY OR PARTY WITHOUT ATTORNEY: _____ STATE BAR NUMBER: _____ NAME: <b>Write your full name as shown in your case file,</b> FIRM NAME: <b>your current address and contact information.</b> STREET ADDRESS: CITY: _____ STATE: _____ ZIP CODE: _____ TELEPHONE NO.: _____ FAX NO.: _____ E-MAIL ADDRESS: ATTORNEY FOR (name): _____	<b>FOR COURT USE ONLY</b>
PEOPLE OF THE STATE OF CALIFORNIA v. _____ <b>Write your date of birth</b> DEFENDANT: <b>Write your name as shown in your case</b> DATE OF BIRTH: _____	
<b>ORDER FOR DISMISSAL</b> <b>(Pen. Code, §§ 17(b), 17(d)(2), 1203.4, 1203.4a, 1203.41, 1203.42, 1203.43, 1203.49)</b>	CASE NUMBER: <b>Write your Case Number</b>

The court finds from the records on file in this case, and from the foregoing petition, that the petitioner (*the defendant in the above-entitled criminal action*) is eligible for the following requested relief: **\*\*LEAVE THE REST OF THIS PAGE BLANK\*\***

1. The court **GRANTS** the petition for reduction of a felony to a misdemeanor (maximum punishment of 364 days per Pen. Code, § 18.5) under Penal Code section 17(b) and/or for reduction of a misdemeanor to an infraction under Penal Code section 17(d)(2) and reduces
  - a.  ALL FELONY CONVICTIONS in the above-entitled action.
  - b.  ALL MISDEMEANOR CONVICTIONS in the above-entitled action.
  - c.  only the following convictions in the above-entitled action (*specify charges and date of conviction*):
  
2. The court **DENIES** the petition for reduction of a felony to a misdemeanor under Penal Code section 17(b) and/or for reduction of a misdemeanor to an infraction under Penal Code section 17(d)(2) for
  - a.  ALL FELONY CONVICTIONS in the above-entitled action.
  - b.  ALL MISDEMEANOR CONVICTIONS in the above-entitled action.
  - c.  only the following convictions in the above-entitled action (*specify charges and date of conviction*):
  
3. The court **GRANTS** the petition for dismissal regarding the following convictions under Penal Code (*check all that apply*)
 

§ 1203.4     § 1203.4a     § 1203.41     § 1203.42     § 1203.43     § 1203.49

 and it is ordered that the pleas of guilty or nolo contendere or verdicts or findings of guilt be set aside and vacated and a plea of not guilty be entered and that the complaint or information be, and is hereby, dismissed for (*check one*)
  - a.  ALL CONVICTIONS OR PLEAS FOR DEFERRED ENTRY OF JUDGMENT in the above-entitled action.
  - b.  only the following convictions or pleas for deferred entry of judgment in the above-entitled action (*specify charges and date of conviction or plea for deferred entry of judgment*):

PEOPLE OF THE STATE OF CALIFORNIA v. DEFENDANT: <b>Write your full name as shown in your case file</b>	CASE NUMBER: <b>Write your Case Number</b>
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4. The court **DENIES** the petition for dismissal under Penal Code (check all that apply) **\*\*LEAVE THE REST OF THIS PAGE BLANK\*\***

§ 1203.4    § 1203.4a    § 1203.41    § 1203.42    § 1203.43    1203.49 for (check one)

- a.  ALL CONVICTIONS OR PLEAS FOR DEFERRED ENTRY OF JUDGMENT in the above-entitled action.
- b.  only the following convictions or pleas for deferred entry of judgment in the above-entitled action (specify charges and date of conviction or plea for deferred entry of judgment):

5. In granting this order under the provisions of Penal Code section 1203.49, the court finds that the petitioner was a victim of human trafficking when he or she committed the crime. The court orders (check one)

- a.  the relief described in section 1203.4.
- b.  the relief described in section 1203.4, with the following exceptions (specify):

6. If the order is granted under the provisions of Penal Code section 1203.49, the Department of Justice is hereby notified that petitioner was a victim of human trafficking when he or she committed the crime, and of the relief ordered.

- 7. If this order is granted under the provisions of Penal Code section 1203.4, 1203.41, or 1203.42,
  - a. the petitioner is required to disclose the above conviction in response to any direct question contained in any questionnaire or application for public office, or for licensure by any state or local agency, or for contracting with the California State Lottery Commission; and
  - b. dismissal of the conviction does not *automatically* relieve petitioner from the requirement to register as a sex offender. (See, e.g., Pen. Code, § 290.5.)

8. If the order is granted under the provisions of Penal Code section 1203.4, 1203.4a, 1203.41, 1203.42, or 1203.49, the petitioner is released from all penalties and disabilities resulting from the offense except as provided in Penal Code sections 29800 and 29900 (formerly sections 12021 and 12021.1) and Vehicle Code section 13555. In any subsequent prosecution of the petitioner for any other offense, the prior conviction may be pleaded and proved and shall have the same effect as if probation had not been granted or the accusation or information dismissed. The dismissal does not permit a person to own, possess, or have in his or her control a firearm if prevented by Penal Code sections 29800 or 29900 (formerly sections 12021 and 12021.1). Dismissal of a conviction does not permit a person prohibited from holding public office as a result of that conviction to hold public office.

9. In addition, as required by Penal Code section 299(f), relief under Penal Code sections 17(b), 17(d)(2), 1203.4, 1203.4a, 1203.41, 1203.42, or 1203.49 does *not* release petitioner from the separate administrative duty to provide specimens, samples, or print impressions under the DNA and Forensic Identification Database and Data Bank Act (Pen. Code, § 295 et seq.) if petitioner was found guilty by a trier of fact, not guilty by reason of insanity, or pled no contest to a qualifying offense as defined in Penal Code section 296(a).

*FOR COURT USE ONLY*

10. The basis for an order of dismissal granted under the provisions of Penal Code section 1203.43 is the invalidity of defendant's prior plea due to misinformation in former Penal Code section 1000.4 regarding the actual consequences of making a plea and successful completion of a deferred entry of judgment program.

Date: \_\_\_\_\_  
(JUDICIAL OFFICER)



#### **STEP 4: HAVE ANOTHER ADULT SERVE THE DISTRICT ATTORNEY'S OFFICE**

Make at least two copies of your completed CR-180 and attachments. One of those copies needs to be served by a person over the age of 18, other than you, to the District Attorney's office. The adult that served the District Attorney's office must complete a Proof of Service (**form CR-106**).

#### **STEP 5: FILE YOUR DOCUMENTS**

You should have an original and a copy of the completed CR-180 (with attachments) and CR-181. Make a copy of the completed Proof of Service (form CR-106), which was signed by the person who served the copies to the DA's office, and gather all the forms to file with the court.

To file in person, go to Criminal Clerk's office at the Justice Center where your case was filed. Present the original and the copies. The clerk will stamp both sets of documents. The original will remain with the court and a conformed copy will be returned to you for your own records.

Or, you could file by mail, by sending your documents to the court, addressing the envelope to the Justice Center as the recipient. To ensure that the conformed copies will be returned to you, include a self-addressed stamped envelope in your package, so that the clerk can send your copies after filing your original documents.

Finally, there is a fee related to this filing, up to \$150.00. If you are unable to pay costs and fees related to this filing, please complete form CR-105 in its entirety and file it along with this packet.

#### **STEP 6: WAIT FOR A RULING OR FOR A HEARING DATE TO BE SET**

Once you file your documents, a judge will review your request. Depending on the facts of your case, a judge can approve or deny your request without a hearing. The judge also has the ability to set a hearing. If a hearing is scheduled, it is crucial that you appear on the day of the hearing or the court will likely deny your petition. If your petition is granted, you need to verify that you have paid any fees imposed by the court or you will not receive your certificate.

# SHC-CRIM-01 Information Sheet

The information that you complete here  
will appear on your forms.

Your Full Name: \_\_\_\_\_

Your Street Address: \_\_\_\_\_

City: \_\_\_\_\_, State: \_\_\_\_\_ Zip Code: \_\_\_\_\_

Your Phone Number: \_\_\_\_\_

Your E-mail Address: \_\_\_\_\_

Your Date of Birth (MM/DD/YYYY): \_\_\_\_\_

Your Court Case Number: \_\_\_\_\_

Your Violation (Code/Section): \_\_\_\_\_ e.g. PC or HS \_\_\_\_\_ e.g. 242 or 11350

Conviction Date (MM/DD/YYYY): \_\_\_\_\_

Today's Date (MM/DD/YYYY): \_\_\_\_\_

ATTORNEY OR PARTY WITHOUT ATTORNEY: STATE BAR NUMBER: NAME: FIRM NAME: STREET ADDRESS: CITY: STATE: ZIP CODE: TELEPHONE NO.: FAX NO.: E-MAIL ADDRESS: ATTORNEY FOR (name): Self-Represented	<b>FOR COURT USE ONLY</b>
PEOPLE OF THE STATE OF CALIFORNIA v. DEFENDANT: DATE OF BIRTH:	CASE NUMBER:
<b>PETITION FOR DISMISSAL</b> <b>(Pen. Code, §§ 17(b), 17(d)(2), 1203.4, 1203.4a, 1203.41, 1203.42, 1203.43, 1203.49)</b>	<b>FOR COURT USE ONLY</b> DATE: TIME: DEPARTMENT:

1. On (date): \_\_\_\_\_ the petitioner (*the defendant in the above-entitled criminal action*) was convicted of a violation of the following offenses or was granted deferred entry of judgment for the following offenses:

Code	Section	Type of offense ( <i>felony, misdemeanor, or infraction</i> ):	Eligible for reduction to misdemeanor under Penal Code, § 17(b) ( <i>yes or no</i> )	Eligible for reduction to infraction under Penal Code, § 17(d)(2) ( <i>yes or no</i> )

If additional space is needed for listing offenses, use *Attachment to Judicial Council Form* (form MC-025).

2.  **Felony or misdemeanor with probation granted (Pen. Code, § 1203.4)**

Probation was granted on the terms and conditions stated in the docket of the above-entitled court; the petitioner is not serving a sentence for any offense, on probation for any offense, or under charge of commission of any crime, and the petitioner (*check all that apply*)

- a.  has fulfilled the conditions of probation for the entire period thereof.
- b.  has been discharged from probation prior to the termination of the period thereof.
- c.  should be granted relief in the interests of justice. (*Please note: You may explain why granting a dismissal would be in the interests of justice. You can provide that information by writing in the space below, or by attaching a letter or other relevant documents. If you need more space for your writing, you can use the Attached Declaration (form MC-031) and attach it to this petition.*)

PEOPLE OF THE STATE OF CALIFORNIA v. DEFENDANT:

CASE NUMBER:

3.  **Misdemeanor or infraction with sentence other than probation (Pen. Code, § 1203.4a)**

Probation was not granted; more than one year has elapsed since the date of pronouncement of judgment. Petitioner has complied with the sentence of the court and is not serving a sentence for any offense or under charge of commission of any crime; and the petitioner (*check one*):

- a.  has lived an honest and upright life since pronouncement of judgment and conformed to and obeyed the laws of the land; **or**
- b.  should be granted relief in the interests of justice. (*Please note: You may explain why granting a dismissal would be in the interests of justice. You can provide that information by writing in the space below or by attaching a letter or other relevant documents. If you need more space for your writing, you can use the Attached Declaration (form MC-031) and attach it to this petition.*)

4.  **Misdemeanor conviction under Penal Code section 647(b) (Pen. Code, § 1203.49)**

Petitioner has completed a term of probation for a conviction under Penal Code section 647(b) and should be granted relief because the petitioner can establish by clear and convincing evidence that the conviction was the result of his or her status as a victim of human trafficking.

(*Please note: You may provide evidence that the conviction was the result of your status as a victim of human trafficking. You can provide that information by writing in the space below or by attaching a letter or other relevant documents. If you need more space for your writing, you can use the Attached Declaration (form MC-031) and attach it to this petition.*)

5.  **Felony county jail sentence under Penal Code section 1170(h)(5) (Pen. Code, § 1203.41)**

Petitioner is not under supervision under Penal Code section 1170(h)(5)(B); is not serving a sentence for, on probation for, or charged with the commission of any offense; and should be granted relief in the interests of justice, and (*check one*)

- a.  more than one year has elapsed since petitioner completed the felony county jail sentence **with** a period of mandatory supervision imposed under Penal Code section 1170(h)(5)(B); **or**
- b.  more than two years have elapsed since petitioner completed the felony county jail sentence **without** a period of mandatory supervision imposed under Penal Code section 1170(h)(5)(A).

(*Please note: You may explain why granting a dismissal would be in the interests of justice. You can provide that information by writing in the space below or by attaching a letter or other relevant documents. If you need more space for your writing, you can use the Attached Declaration (form MC-031) and attach it to this petition.*)

PEOPLE OF THE STATE OF CALIFORNIA v. DEFENDANT:	CASE NUMBER:
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6.  **Felony prison sentence that would have been eligible for a felony county jail sentence after 2011 under Penal Code section 1170(h)(5) (Pen. Code, § 1203.42)**

Petitioner is not under supervision and is not serving a sentence for, on probation for, or charged with the commission of any offense; more than two years have elapsed since petitioner completed the felony prison sentence; and petitioner should be granted relief in the interests of justice.

*(Please note: You may explain why granting a dismissal would be in the interests of justice. You can provide that information by writing in the space below or by attaching a letter or other relevant documents. If you need more space for your writing, you can use the Attached Declaration (form MC-031) and attach it to this petition.)*

7.  **Deferred entry of judgment (Pen. Code, § 1203.43)**

Petitioner performed satisfactorily during the period in which deferred entry of judgment was granted. The criminal charge (s) were dismissed under former Penal Code section 1000.3 on (date): \_\_\_\_\_ . Furthermore (check one),

a.  court records are available showing the case resolution; **or**

b.  petitioner declares under penalty of perjury that the charges were dismissed after he or she completed the requirements for deferred entry of judgment. Petitioner (check one)

(1)  has

(2)  has not

attached a copy of his or her state summary criminal history information.

8. Petitioner requests that the eligible felony offenses listed above be reduced to misdemeanors under Penal Code section 17(b) and eligible misdemeanor offenses be reduced to infractions under Penal Code section 17(d)(2).

9. Petitioner requests that he or she be permitted to withdraw the plea of guilty, or that the verdict or finding of guilt be set aside and a plea of not guilty be entered and the court dismiss this action under the Penal Code section(s) noted above.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date:



\_\_\_\_\_  
(SIGNATURE OF PETITIONER OR ATTORNEY)

\_\_\_\_\_  
(ADDRESS OF PETITIONER)

\_\_\_\_\_  
(CITY)

\_\_\_\_\_  
(STATE)

\_\_\_\_\_  
(ZIP CODE)

PLAINTIFF/PETITIONER: People of the State of California DEFENDANT/RESPONDENT:	CASE NUMBER:
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**DECLARATION**

*(This form must be attached to another form or court paper before it can be filed in court.)*

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date:

\_\_\_\_\_  
(TYPE OR PRINT NAME)

\_\_\_\_\_  
(SIGNATURE OF DECLARANT)

- Attorney for     Plaintiff     Petitioner     Defendant
- Respondent     Other (*Specify*):

ATTORNEY OR PARTY WITHOUT ATTORNEY: STATE BAR NUMBER: NAME: FIRM NAME: STREET ADDRESS: CITY: STATE: ZIP CODE: TELEPHONE NO.: FAX NO.: E-MAIL ADDRESS: ATTORNEY FOR (name): Self-Represented	<b>FOR COURT USE ONLY</b>
PEOPLE OF THE STATE OF CALIFORNIA v. DEFENDANT: DATE OF BIRTH:	
<b>ORDER FOR DISMISSAL</b> <b>(Pen. Code, §§ 17(b), 17(d)(2), 1203.4, 1203.4a, 1203.41, 1203.42, 1203.43, 1203.49)</b>	CASE NUMBER:

The court finds from the records on file in this case, and from the foregoing petition, that the petitioner (*the defendant in the above-entitled criminal action*) is eligible for the following requested relief:

1. The court **GRANTS** the petition for reduction of a felony to a misdemeanor (maximum punishment of 364 days per Pen. Code, § 18.5) under Penal Code section 17(b) and/or for reduction of a misdemeanor to an infraction under Penal Code section 17(d)(2) and reduces
  - a.  ALL FELONY CONVICTIONS in the above-entitled action.
  - b.  ALL MISDEMEANOR CONVICTIONS in the above-entitled action.
  - c.  only the following convictions in the above-entitled action (*specify charges and date of conviction*):

2. The court **DENIES** the petition for reduction of a felony to a misdemeanor under Penal Code section 17(b) and/or for reduction of a misdemeanor to an infraction under Penal Code section 17(d)(2) for
  - a.  ALL FELONY CONVICTIONS in the above-entitled action.
  - b.  ALL MISDEMEANOR CONVICTIONS in the above-entitled action.
  - c.  only the following convictions in the above-entitled action (*specify charges and date of conviction*):

3. The court **GRANTS** the petition for dismissal regarding the following convictions under Penal Code (*check all that apply*)
 

§ 1203.4     § 1203.4a     § 1203.41     § 1203.42     § 1203.43     § 1203.49

 and it is ordered that the pleas of guilty or nolo contendere or verdicts or findings of guilt be set aside and vacated and a plea of not guilty be entered and that the complaint or information be, and is hereby, dismissed for (*check one*)
  - a.  ALL CONVICTIONS OR PLEAS FOR DEFERRED ENTRY OF JUDGMENT in the above-entitled action.
  - b.  only the following convictions or pleas for deferred entry of judgment in the above-entitled action (*specify charges and date of conviction or plea for deferred entry of judgment*):

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4. The court **DENIES** the petition for dismissal under Penal Code *(check all that apply)*  
 § 1203.4    § 1203.4a    § 1203.41    § 1203.42    § 1203.43    § 1203.49 for *(check one)*
- a.  ALL CONVICTIONS OR PLEAS FOR DEFERRED ENTRY OF JUDGMENT in the above-entitled action.
- b.  only the following convictions or pleas for deferred entry of judgment in the above-entitled action *(specify charges and date of conviction or plea for deferred entry of judgment)*:
- 
5. In granting this order under the provisions of Penal Code section 1203.49, the court finds that the petitioner was a victim of human trafficking when he or she committed the crime. The court orders *(check one)*
- a.  the relief described in section 1203.4.
- b.  the relief described in section 1203.4, with the following exceptions *(specify)*:
- 
6. If the order is granted under the provisions of Penal Code section 1203.49, the Department of Justice is hereby notified that petitioner was a victim of human trafficking when he or she committed the crime, and of the relief ordered.
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7. If this order is granted under the provisions of Penal Code section 1203.4, 1203.41, or 1203.42,
- a. the petitioner is required to disclose the above conviction in response to any direct question contained in any questionnaire or application for public office, or for licensure by any state or local agency, or for contracting with the California State Lottery Commission; and
- b. dismissal of the conviction does not *automatically* relieve petitioner from the requirement to register as a sex offender. (See, e.g., Pen. Code, § 290.5.)
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8. If the order is granted under the provisions of Penal Code section 1203.4, 1203.4a, 1203.41, 1203.42, or 1203.49, the petitioner is released from all penalties and disabilities resulting from the offense except as provided in Penal Code sections 29800 and 29900 (formerly sections 12021 and 12021.1) and Vehicle Code section 13555. In any subsequent prosecution of the petitioner for any other offense, the prior conviction may be pleaded and proved and shall have the same effect as if probation had not been granted or the accusation or information dismissed. The dismissal does not permit a person to own, possess, or have in his or her control a firearm if prevented by Penal Code sections 29800 or 29900 (formerly sections 12021 and 12021.1). Dismissal of a conviction does not permit a person prohibited from holding public office as a result of that conviction to hold public office.
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9. In addition, as required by Penal Code section 299(f), relief under Penal Code sections 17(b), 17(d)(2), 1203.4, 1203.4a, 1203.41, 1203.42, or 1203.49 does *not* release petitioner from the separate administrative duty to provide specimens, samples, or print impressions under the DNA and Forensic Identification Database and Data Bank Act (Pen. Code, § 295 et seq.) if petitioner was found guilty by a trier of fact, not guilty by reason of insanity, or pled no contest to a qualifying offense as defined in Penal Code section 296(a).
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10. The basis for an order of dismissal granted under the provisions of Penal Code section 1203.43 is the invalidity of defendant's prior plea due to misinformation in former Penal Code section 1000.4 regarding the actual consequences of making a plea and successful completion of a deferred entry of judgment program.

<b>FOR COURT USE ONLY</b>
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Date: \_\_\_\_\_  
(JUDICIAL OFFICER)



Clerk stamps date here when form is filed.

**Instructions**

- Before using this form, read *Information on How to File a Proof of Service in Criminal Record Clearing Requests* (form CR-106-INFO).
- This form is only for providing proof that a document or form was served (delivered) in a case requesting that a court review a criminal record for dismissal, vacatur, resentencing, reduction, sealing, or other **record clearing remedy**.
- The person who serves (delivers) a document or form in this case and who fills out this form must be at least 18 years old.
- This form is for proof of service by mail or personal delivery. For proof of electronic service, use *Proof of Electronic Service* ([form POS-050/EFS-050](#)).
- A completed form should be filed with the court. Keep a copy of this form for your records.

Fill in court name and street address:

**Superior Court of California, County of**

Fill in criminal case number and case name:

**Case Number:**

**Case Name:**

*People of the State of California*

v.

**1** At the time I served the document or form listed below, I was at least 18 years old.

**2** My  home  business address is:

Street City State Zip

**3** I mailed or personally delivered the following document or form (*fill in the name of the document you are serving and complete 4 or 5*):  
Petition for Dismissal (CR-180)

**4 Service by mail** 

(a) I put one copy of the document or form in an envelope addressed to each agency (and person, if applicable) listed below, sealed the envelope, and put first-class postage on the envelope.

(b) The envelope or envelopes were addressed as follows:

(1) Name of agency served (and person, if applicable):  
Address on envelope:

Street City State Zip

(2) Name of agency served (and person, if applicable):  
Address on envelope:

Street City State Zip

Check here if you mailed copies of the document or form to more people or agencies. Attach a separate page listing the names and addresses on each additional envelope you mailed. Write "CR-106, Item 4" on the top of the page.

(c) I mailed the envelope or envelopes on (date): from (city): (state):  
by depositing the envelope or envelopes (check one):

(1)  With the U.S. Postal Service.

(2)  At an office or business mail drop where I know the mail is picked up every day and deposited with the U.S. Postal Service.







<b>PEOPLE OF THE STATE OF CALIFORNIA v.</b> <b>DEFENDANT:</b>	CASE NUMBER:
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	<u>Defendant</u>	OTHER MONTHLY INCOME	<u>Spouse</u>	
9.	a. Unemployment and disability	\$ _____	a. Unemployment and disability	\$ _____
	b. Social Security	\$ _____	b. Social Security	\$ _____
	c. Welfare, TANF	\$ _____	c. Welfare, TANF	\$ _____
	d. Veteran's benefits	\$ _____	d. Veteran's benefits	\$ _____
	e. Worker's compensation	\$ _____	e. Worker's compensation	\$ _____
	f. Child support payments	\$ _____	f. Child support payments	\$ _____
	g. Spousal support payments	\$ _____	g. Spousal support payments	\$ _____
	h. All other income not elsewhere listed	\$ _____	h. All other income not elsewhere listed	\$ _____
	<b>Total:</b>	\$ _____	<b>Total:</b>	\$ _____

EXPENSES				
10.	Monthly expenses being paid by defendant alone or by defendant and spouse			
	a. Rent or house payments	\$ _____	f. Clothing and laundry	\$ _____
	b. Car payments	\$ _____	g. Food	\$ _____
	c. Transportation payments	\$ _____	h. Support payments	\$ _____
	d. Medical and dental payments	\$ _____	i. Insurance payments	\$ _____
	e. Loan payments	\$ _____	j. Other payments (union, taxes, utilities)	\$ _____
			<b>Total (a-j):</b>	\$ _____

11.	Installment payments other than those listed in item 10.		
	<u>Name of Creditor</u>	<u>Monthly Payment</u>	<u>Balance Owed</u>
	a. _____	\$ _____	\$ _____
	b. _____	\$ _____	\$ _____
	c. _____	\$ _____	\$ _____
	d. _____	\$ _____	\$ _____
	e. _____	\$ _____	\$ _____
		<b>Total:</b>	<b>Total:</b>

ASSETS		
12.	What do you own? (State value):	
	a. Cash	\$ _____
	b. House equity	\$ _____
	c. Cars, other vehicles and boat equity (List make, year, and license number of each)	\$ _____
	d. Checking, savings, and credit union accounts (List name and account number of each)	\$ _____
	e. Other real estate equity	\$ _____
	f. Income tax refunds due	\$ _____
	g. Life insurance policies (ordinary life, face value)	\$ _____ Length of ownership _____
	h. Other personal property (jewelry, furniture, furs, stocks and bonds, etc.)	\$ _____
	<b>Total:</b>	\$ _____

13. **ELIGIBILITY FOR APPOINTMENT OF COUNSEL AND NOTICE TO DEFENDANT:** If an attorney is appointed to represent you, the court will, at the conclusion of the criminal proceedings, after a hearing, make a determination of your ability to pay all or a portion of the cost of the attorney. If the court determines that you are at that time able to pay, the court will order you to pay all or part of such cost. Such an order will have the same force and effect as a judgment in a civil action and will be subject to execution.

**Declaration of Defendant**

I declare under penalty of perjury that the foregoing is true and correct, and that I understand the notice contained in item 13, under the laws of the state of California.

Date: \_\_\_\_\_ ▶  
SIGNATURE OF DEFENDANT