



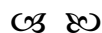
**SUPERIOR COURT OF CALIFORNIA  
COUNTY OF ORANGE  
SELF-HELP CENTER  
[www.occourts.org/self-help](http://www.occourts.org/self-help)**

**PETITION FOR DISMISSAL  
UNDER PENAL CODE §§ 17(b); 17(d)(2); 1203.4;  
1203.4a; 1203.41 and 1203.49**

**All documents must be typed or printed neatly.  
Please use black ink.**

**Self-Help Center Locations:**

Lamoreaux Justice Center  
1<sup>st</sup> Floor  
341 The City Drive  
Orange, CA



Central Justice Center  
Room G-100  
700 Civic Center Drive West  
Santa Ana, CA



North Justice Center  
Room 355  
1275 N. Berkeley Avenue  
Fullerton, CA

Harbor Justice Center  
Room 109, Window #18  
4601 Jamboree Road  
Newport Beach, CA

Please visit our Self-Help Portal at: <https://selfhelp.occourts.org>



ATTORNEY OR PARTY WITHOUT ATTORNEY: _____ STATE BAR NO.: _____ NAME: FIRM NAME: 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: _____ DATE OF BIRTH: _____	CASE NUMBER: _____
<b>PETITION FOR DISMISSAL</b> <b>(Pen. Code, §§ 17(b), 17(d)(2), 1203.4, 1203.4a, 1203.41, 1203.43, 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 or 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)

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, nor on probation for any offense, nor 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 must explain why granting a dismissal would be in the interests of justice. You may complete and attach the Attached Declaration (form MC-031) or submit other relevant documents.)

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.
- b.  should be granted relief in the interests of justice. (Please note: You must explain why granting a dismissal would be in the interests of justice. You may complete and attach the Attached Declaration (form MC-031) or submit other relevant documents.)

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4.  **Misdemeanor conviction under Penal Code section 647(b) (Pen. Code, § 1203.49)**
- a. Petitioner has completed a term of probation for a conviction under Penal Code section 647(b).
  - b. Petitioner 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 complete and attach the Attached Declaration (form MC-031) or submit other relevant documents to establish that the conviction 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) and 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 must explain why granting a dismissal would be in the interests of justice. You may complete and attach the Attached Declaration (form MC-031) or submit other relevant documents.)*

6.  **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 Penal Code section 1000.3 on *(date)*: \_\_\_\_\_ .Furthermore *(check one)*
- a.  court records are available showing the case resolution.
  - 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)*
    - has
    - has not

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

7. 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).
8. Petitioner requests that he or she be permitted to withdraw the plea of guilty or nolo contendere, 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 section *(check one)*
- 1203.4    1203.4a    1203.41    1203.43    1203.49   of the Penal Code.

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: 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 NO.: NAME: FIRM NAME: STREET ADDRESS: CITY: STATE: ZIP CODE: TELEPHONE NO.: FAX NO.: E-MAIL ADDRESS: ATTORNEY FOR (name):	<b>FOR COURT USE ONLY</b>       CASE NUMBER:
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, 1203.43, 1203.49)</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:

- 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 (*check one*)
  - ALL FELONY CONVICTIONS in the above-entitled action.
  - ALL MISDEMEANOR CONVICTIONS in the above-entitled action.
  - only the following convictions in the above-entitled action (*specify charges and date of conviction*):

- 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 (*check one*)
  - ALL FELONY CONVICTIONS in the above-entitled action.
  - ALL MISDEMEANOR CONVICTIONS in the above-entitled action.
  - Only the following convictions in the above-entitled action (*specify charges and date of conviction*):

- The court **GRANTS** the petition for dismissal regarding the following convictions under Penal Code  § 1203.4  § 1203.4a  § 1203.41  § 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*)
  - ALL CONVICTIONS OR PLEAS FOR DEFERRED ENTRY OF JUDGMENT in the above-entitled action.
  - 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*):

- The court **DENIES** the petition for dismissal under Penal Code  § 1203.4  § 1203.4a  § 1203.41  1203.43  § 1203.49 for (*check one*)
  - ALL CONVICTIONS in the above-entitled action.
  - only the following convictions or pleas for deferred entry judgment in the above-entitled action (*specify charges and date of conviction or plea for deferred entry of judgment*):

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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 this order is granted under the provisions of Penal Code section 1203.4 or 1203.41,

- 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.)

7. 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.

8. If the order is granted under the provisions of either Penal Code section 1203.4, 1203.4a, 1203.41, 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, 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).

<i>FOR COURT USE ONLY</i>

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 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)

<b>SUPERIOR COURT OF CALIFORNIA, COUNTY OF</b> STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:  <b>PEOPLE OF THE STATE OF CALIFORNIA v.</b>  <b>DEFENDANT:</b>	<i>FOR COURT USE ONLY</i>
<b>DEFENDANT'S FINANCIAL STATEMENT AND NOTICE TO DEFENDANT</b> <i>(check all that apply)</i> <input type="checkbox"/> <b>ELIGIBILITY FOR APPOINTMENT OF COUNSEL</b> <input type="checkbox"/> <b>REIMBURSEMENT FOR COST OF COURT-APPOINTED COUNSEL</b> <input type="checkbox"/> <b>ELIGIBILITY FOR RECORD ON APPEAL AT PUBLIC EXPENSE</b>	CASE NUMBER:

1. a. Defendant's name: \_\_\_\_\_
- b. Other names used: \_\_\_\_\_
- c. Address: \_\_\_\_\_
- d. Date of birth: \_\_\_\_\_
- e. Telephone number: \_\_\_\_\_
- f. Driver's license number: \_\_\_\_\_
  
2. Defendant's present employment:
  - a. Occupation: \_\_\_\_\_
  - b. Name of employer: \_\_\_\_\_
  - c. Address: \_\_\_\_\_
  - d. Gross pay per month: \$ \_\_\_\_\_ week: \$ \_\_\_\_\_ day: \$ \_\_\_\_\_
  - e. Take-home pay per month: \$ \_\_\_\_\_ week: \$ \_\_\_\_\_ day: \$ \_\_\_\_\_
  - f. Name of union: \_\_\_\_\_
  - g. Name of credit union: \_\_\_\_\_
3. If defendant is not now working, state the name and address of defendant's last employer and the last date defendant was employed.
  - a. Name: \_\_\_\_\_
  - b. Address: \_\_\_\_\_
  - c. Last date of employment: \_\_\_\_\_
4. Defendant  is  is not married.
5. a. Spouse's name: \_\_\_\_\_
- b. Other names used: \_\_\_\_\_
- c. Address: \_\_\_\_\_
- d. Date of birth: \_\_\_\_\_
- e. Telephone number: \_\_\_\_\_
- f. Driver's license number: \_\_\_\_\_
  
6. Spouse's present employment
  - a. Occupation: \_\_\_\_\_
  - b. Name of employer: \_\_\_\_\_
  - c. Address: \_\_\_\_\_
  - d. Gross pay per month: \$ \_\_\_\_\_ week: \$ \_\_\_\_\_ day: \$ \_\_\_\_\_
  - e. Take-home pay per month: \$ \_\_\_\_\_ week: \$ \_\_\_\_\_ day: \$ \_\_\_\_\_
  - f. Name of union: \_\_\_\_\_
  - g. Name of credit union: \_\_\_\_\_
7. If spouse is not now working, state the name and address of spouse's last employer and the last date spouse was employed.
  - a. Name: \_\_\_\_\_
  - b. Address: \_\_\_\_\_
  - c. Last date of employment: \_\_\_\_\_

8. Dependents	Name	Address	Relationship	Age
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____

<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? ( <i>State value</i> ):	
	a. Cash	\$ _____
	b. House equity	\$ _____
	c. Cars, other vehicles and boat equity ( <i>List make, year, and license number of each</i> )	\$ _____
	d. Checking, savings, and credit union accounts ( <i>List name and account number of each</i> )	\$ _____
	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