

PETITION FOR DISMISSAL UNDER PENAL CODE §1210.1(E)(1)

SELF-HELP FORM PACKET



SHC-CRIM-02 (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 (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.

SUPERIOR COURT OF CALIFORNIA, COUNTY OF ORANGE
Petition for Relief under Penal Code 1210.1(e)(1)) & Notice of Hearing
Information and Instructions

INFORMATION:

After successful completion of the drug treatment program, a defendant may petition the court to dismiss the charges. The court shall conduct a hearing in order to determine whether the defendant has successfully completed the drug treatment and has substantially complied with the terms of probation, including refraining from the use of drugs.

Successful completion of treatment means a defendant has completed the required drug treatment program and there is reasonable cause to believe the defendant will not abuse controlled substances in the future.

GRANTING OF THIS PETITION	
<i>Does...</i>	<i>Does Not...</i>
<ul style="list-style-type: none">▪ Release the defendant from all penalties and disabilities resulting from the convicted offense. ▪ Allow the defendant to indicate that he or she was not arrested or convicted for the offense except in response to any direct question contained in any questionnaire of application for public office, for licensure by any state or local agency, for contracting with the California State Lottery, or for purposes of serving on a jury.	<ul style="list-style-type: none">▪ Restrict the Department of Justice from disclosing the arrest and conviction in response to any peace officer application request or law enforcement inquiry. ▪ Permit the defendant to own, possess or have in his or her custody or control any concealable firearm.

Common reasons for denial include:

- Failure to successfully complete treatment
- Failure to comply with the terms of probation
- Failure to pay all court costs, fees and fines
- A new law violation after being placed on probation

This information is for general use and not intended as full and comprehensive instruction governing the laws and rules relating to Penal Code section 1210.1.

Clerks cannot give legal advice. For further information regarding a dismissal refer to Penal code section 1210.1 or seek legal assistance from an attorney.

INSTRUCTIONS- Petition for Dismissal & Notice of Hearing form

Follow the instructions below to file the petition and have your case placed on calendar for a dismissal hearing. Incomplete forms will not be filed and will be returned for correction.

Read the entire instructions before you complete the form.

1 Complete a *Petition for Dismissal Under Penal Code 1210.1(e)(1) and Notice of Hearing* form (L-118).

Note: read the service requirements before selecting a hearing date.

2 Make 3 copies and distribute as follows:

- Court (original)
- Probation Department (copy)
- Prosecutor (copy)
- Defendant (copy)

3 Serve a copy of the petition on the prosecutor and the Probation Department.

If personal service then...	If mailing notice then...
<p>a. Select a hearing date* no sooner than 30 days.</p> <p>b. Deliver a completed copy of the petition to the prosecutor and Probation Department.</p> <p>c. Have the original and one copy stamped with an acknowledgment to indicate the document has been received.</p>	<p>a. Select a hearing date* no sooner than 35 days (to allow for mailing time).</p> <p>b. Complete a Proof of Service.</p> <p>c. Mail a copy of the petition and Proof of Service to the prosecutor and Probation Department.</p> <p>Note: A copy of the proof of service must be attached to all copies including the original.</p>

**See below for hearing schedule.*

4 File the completed petition with the Criminal Department at the appropriate justice center.

Note: *On the hearing date, appear in court with any and all documents which will support your request. The court may continue the hearing if additional information is necessary.*

Hearing Schedule

Misdemeanors		Felonies
Central Justice Center	Dept. C60 at 8:30 Monday through Friday	All felony PC 1210.1 dismissal hearings are to be heard at the Central Justice Center in Department C60 at 8:30 Monday through Friday.
Harbor Justice Center	Dept. H4 at 8:30 Monday through Friday	
North Justice Center	Department N7 at 8:30 Thursdays only	
West Justice Center	Department W3 at 8:30 Fridays only	

SUPERIOR COURT OF CALIFORNIA, COUNTY OF ORANGE JUSTICE CENTER: <input type="checkbox"/> Central - 700 Civic Center Dr. West, Santa Ana, CA 92701-4045 <input type="checkbox"/> Harbor-Newport Beach Facility - 4601 Jamboree Rd., Newport Beach, CA 92660-2595 <input type="checkbox"/> North - 1275 N. Berkeley Ave., P. O. Box 5000, Fullerton, CA 92838-0500 <input type="checkbox"/> West - 8141 13 th Street, Westminster, CA 92683-4593	<i>FOR COURT USE ONLY</i>
PEOPLE OF THE STATE OF CALIFORNIA vs.	
ORDER UNDER PENAL CODE 1210.1(e)(1)	CASE NUMBER:

ORDER

- The court denies the Petition for Dismissal under Penal Code 1210.1(e)(1).
- It appearing to the court from the records on file in this case and from the Petition that the defendant is eligible for the relief requested, **IT IS ORDERED** that the conviction be set aside, and the applicable count(s) on the accusatory pleading be dismissed. Further, the defendant is released from all penalties and disabilities resulting from the offense(s) of which he or she has been convicted, and both the arrest and conviction are deemed never to have occurred, except that:
- 1) The dismissal does not permit a person to own, possess, or have in his or her custody or control any firearm capable of being concealed upon the person or prevent his or her conviction under PC 12021;
 - 2) The arrest and conviction on which probation was based may be recorded by the Department of Justice and disclosed in response to any peace officer application request or any law enforcement inquiry;
 - 3) The defendant must disclose the arrest and conviction in response to any direct question contained in any questionnaire or application for public office, for a position as a peace officer, for licensure by any state or local agency, for contracting with the California State Lottery, or for purposes of serving on a jury.

Dated: _____

 JUDGE OF THE SUPERIOR COURT

