

PETITION FOR RELIEF UNDER PENAL CODE SECTIONS 1203.4, 1203.4A, 1203.41, AND 1203.42

SELF-HELP FORM PACKET



SHC-CRIM-03 (Rev. 07/21/2021)

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.

www.occourts.org/self-help

SUPERIOR COURT OF CALIFORNIA, COUNTY OF ORANGE
Petition for Relief under Penal Code §1203.4 & §1203.4a & §1203.41 & §1203.42
Information and Instructions

General Information:

After successful completion of probation, or if not placed on probation, any time after the lapse of one year from the date of the pronouncement of judgment, you may petition the court to dismiss the charges under Penal Code §1203.4. After successful completion of mandatory supervision, or if not placed on mandatory supervision, any time after the lapse of two years from the date of the pronouncement of judgment, you may petition the court to dismiss the charges under Penal Code §1203.41. If you were sentenced to prison but would have been sentenced to county jail under the October 1, 2011 Realignment Legislation if it had been in effect, and two years have elapsed since completion of your sentence, you may petition the court to dismiss the charges under Penal Code §1203.42. If it is in the interest of justice, the judicial officer may allow you to file the petition before probation ends.

- Disclosure – Granting of this petition does *NOT* relieve you of the responsibility to disclose the conviction in response to any direct question as part of any questionnaire or application for public office, for licensure by any state or local agency, or for contracting with the California State Lottery.
- Department of Motor Vehicles (DMV) – Granting of this petition does *NOT* affect DMV actions or future consequences for crimes involving operation of a motor vehicle.
- Firearms – Granting of this petition does *NOT* permit you to own, possess, or have in your custody or control any firearm.
- Sealing – Granting of this petition does *NOT* seal your record. The case, including the conviction will remain public record.
- Sex Registration – Granting of petition does *NOT* relieve you from any obligation to register under Penal Code §290.

This information is for general use and not intended as full and comprehensive instruction governing the laws and rules relating to relief granted under Penal Code §1203.4. For further information you may refer to Penal Code §1203.4 and §1203.4a and §1203.41 and §1203.42 or you may wish to seek legal assistance.

Instructions:

NOTE: Clerks cannot advise or give assistance in the completion of this petition.

If your case has been destroyed pursuant to Government Code §68153, you must provide the court with either a copy of the probation order or the criminal history record from the California Department of Justice (RAP sheet).

1. Complete the form, *Petition for Relief under Penal Code §1203.4, §1203.4a, §1203.41, §1203.42.* (Incomplete forms will not be filed and will be returned for correction.)
2. A copy of the petition must be mailed or delivered to the District Attorney or City Attorney who prosecuted your case. Proof of service is required.
3. If mailed, the person mailing must complete the Proof of Service, see page 2 of the petition. If delivered, the prosecutor may acknowledge its receipt by stamping the original petition to be delivered to the court.
4. Return the original petition and the completed Proof of Service (if prosecutor was notified by mail) to the Criminal Operations Department of the Justice Center in which your case is filed.
5. A reimbursement cost of \$150.00 for a petition pursuant to Penal Code 1203.4, 1203.41 and 1203.42 or \$60.00 for a petition pursuant to Penal Code 1203.4a is to be submitted with each petition **OR** Judicial Council Form CR-105 – Defendant's Financial Statement must be submitted if the petitioner chooses to have the court determine his/her ability to pay the reimbursement cost pursuant to the standards set forth in Penal Code 987.8(g)(2). The completed form should be submitted with the original petition.

PETITION FOR RELIEF UNDER PENAL CODE §1203.4 & §1203.4a & §1203.41 & §1203.42
INFORMATION AND INSTRUCTIONS

ATTORNEY OR PARTY WITHOUT ATTORNEY <i>(Name, Address, Telephone No., Email)</i>	<i>FOR COURT USE ONLY</i>
ATTORNEY FOR <i>(Name)</i> : _____ Bar No.: _____	
SUPERIOR COURT OF CALIFORNIA, COUNTY OF ORANGE JUSTICE CENTER: <input type="checkbox"/> Central - 700 Civic Center Dr. West, Santa Ana, CA 92701 <input type="checkbox"/> Harbor-Newport Beach - 4601 Jamboree Rd., Newport Beach, CA 92660 <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	
PEOPLE OF THE STATE OF CALIFORNIA VS. Defendant: _____	
PETITION FOR RELIEF UNDER PENAL CODE §1203.4, §1203.4a, §1203.41, §1203.42	Case Number: Driver's License: Date of Birth:

1. I am the Defendant Attorney Probation Officer for the defendant in the above-entitled action.
2. On the date of _____, the defendant was convicted of the following offense(s)/violation of section(s) *(List all)*: _____

3. Petitioner declares:

- The defendant has fulfilled the conditions of probation for the entire period of probation or has been discharged prior to termination of the period of probation; that the defendant is not serving a sentence for any offense, on probation for any offense, or charged with the commission of any offense. (Penal Code §1203.4)
 - The defendant was not placed on probation; that more than one year has elapsed since the date of pronouncement of judgment; that the defendant has complied with the sentence of the court; that the defendant is not serving a sentence for any offense nor under charge of commission of any crime, and has since pronouncement of judgment lived an honest and upright life, and conformed to and obeyed the laws of the land. (Penal Code §1203.4a)
 - The defendant was sentenced to prison at the county jail with no mandatory supervision; that two years has elapsed since completion of the sentence and the defendant is not under supervision pursuant to PC 1170(h)(5)(B), and is not serving a sentence for, on probation for, or charged with the commission of any offense. (Penal Code §1203.41)
 - The defendant was placed on mandatory supervision; that one year has elapsed since completion of the sentence and defendant is not currently under supervision pursuant to PC 1170(h)(5)(B), and is not serving a sentence for, on probation for, or charged with the commission of any offense. (Penal Code §1203.41)
 - The defendant was sentenced to state prison for a felony that, if committed after the October 1, 2011 Realignment Legislation, would have been eligible for sentencing to a county jail; that two years have elapsed since completion of the sentence and the defendant is not under supervision, and is not serving a sentence for, on probation for, or charged with the commission of any offense. (Penal Code §1203.42)
4. Petitioner and defendant understand that the granting of this petition does NOT relieve the defendant of the obligation to disclose the conviction in response to any direct question contained in any questionnaire or application for public office, for licensure by any state or local agency, or for contracting with the California State Lottery, does NOT affect DMV actions or further consequences for crimes involving the operation of a motor vehicle, does NOT permit the defendant to own, possess or have in their custody or control any concealable firearm. The granting of this petition does NOT seal your record. The case, including the conviction will remain public record. The granting of the petition does NOT relieve the defendant of any obligation to register under Penal Code section 290.
 5. Petitioner and defendant request the conviction be set aside, that a plea of not guilty be entered, and that the Court dismiss this action pursuant to the provisions of Penal Code §1203.4, §1203.4a, §1203.41, §1203.42.
 6. Petitioner and defendant have the right to have the Court determine the defendant's ability to pay the reimbursement costs by personally submitting the Defendant's Financial Statement pursuant to the standards set forth in Penal Code 987.8(g)(2). If reimbursement costs are submitted with this petition, defendant waives the right to the judicial determination of ability to pay.
 7. 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 Petitioner)

PETITION FOR RELIEF UNDER PENAL CODE §1203.4, §1203.4a, §1203.41, §1203.42

ATTORNEY OR PARTY WITHOUT ATTORNEY (<i>Name, Address, Telephone No., Email</i>) ATTORNEY FOR (<i>Name</i>): _____ Bar No.: _____	FOR COURT USE ONLY
SUPERIOR COURT OF CALIFORNIA, COUNTY OF ORANGE JUSTICE CENTER: <input type="checkbox"/> Central - 700 Civic Center Dr. West, Santa Ana, CA 92701 <input type="checkbox"/> Harbor-Newport Beach - 4601 Jamboree Rd., Newport Beach, CA 92660 <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	
PEOPLE OF THE STATE OF CALIFORNIA VS. Defendant: _____	
PROOF OF SERVICE <input type="checkbox"/> PERSONAL SERVICE <input type="checkbox"/> SERVICE BY MAIL	Case Number: _____

This is a proof of service of a Petition for Relief under Penal Code §1203.4 or Penal Code §1203.4a or Penal Code §1203.41 or Penal Code §1203.42.

DIRECTIONS: A copy of this petition must be served upon the District Attorney or City Attorney who prosecuted your case. Mail the front and back of each page of this document to the District Attorney or City Attorney who prosecuted the case. When the petition has been served, the original may then be filed with the court.

1. Person serving. I am over the age of 18 and not a party to this action.
 Name:
 Address:

 Telephone:

2. I served a copy of the Petition for Relief under Penal Code §1203.4/1203.4a/1203.41/1203.42 as follows (check either *a* or *b* below):
 - a. **Personal Service:** I personally delivered the Petition for Relief under Penal Code §1203.4/1203.4a/1203.41/1203.42 to the person at the address listed below:
 - (1) Name of person served:
 - (2) Address where served:

 - (3) Date served:
 - (4) Time served:

 - b. **Service by Mail:** I deposited the Petition for Relief under Penal Code §1203.4/1203.4a/1203.41/1203.42 in the United States mail, in a sealed envelope with postage fully prepaid. The envelope was addressed as follows:
 - (1) Name of person served:
 - (2) Address:

 - (3) Date of Mailing:
 - (4) Place of Mailing (city and state):

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)

PROOF OF SERVICE - PETITION FOR RELIEF UNDER PENAL CODE §1203.4, §1203.4a, §1203.41, §1203.42

SUPERIOR COURT OF CALIFORNIA, COUNTY OF ORANGE JUSTICE CENTER: <input type="checkbox"/> Central - 700 Civic Center Dr. West, Santa Ana, CA 92701 <input type="checkbox"/> Harbor-Newport Beach - 4601 Jamboree Rd., Newport Beach, CA 92660 <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	<i>FOR COURT USE ONLY</i>
PEOPLE OF THE STATE OF CALIFORNIA VS. Defendant: _____	
ORDER FOR RELIEF UNDER PENAL CODE §1203.4, §1203.4a, §1203.41, §1203.42	Case Number: Driver's License: Date of Birth:

If this order is granted under the provisions of Penal Code section 1203.4 or 1203.4a or 1203.41 or 1203.42:

- The defendant is relieved from all penalties and disabilities resulting from the offense except as provided in Vehicle Code section 13555.
- Dismissal of an accusation or information pursuant to this section does not permit a person to own, possess, or have in his or her custody or control any firearm or prevent his or her conviction under Chapter 2 (commencing with Section 29800) of Division 9 of Title 4 of Part 6.
- As required by Penal Code section 299(f), this relief does *not* release the defendant from the separate administrative duty to provide specimens, samples or print impressions under the DNA and Forensic Identification Database and Databank Act of 1998 if the defendant 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).

If this order is granted the provisions of Penal Code section 1203.4 or 1203.4a or 1203.41 or 1203.42 additionally apply:

- Dismissal of the conviction does *not* relieve the defendant of the obligation to disclose the conviction in response to any direct question contained in any questionnaire or application for public office, for licensure by any state or local agency, or for contracting with the California State Lottery.
- Dismissal of the conviction does *not* permit a person prohibited from holding public office as a result of that conviction to hold public office.
- Dismissal of the conviction does *not* relieve the defendant from any obligation to register under Penal Code section 290.

- GRANTED:** It appears to the court from the records on file in this matter, and from the petition, that the defendant is eligible for the relief requested. It is hereby ordered that the plea, verdict, or finding of guilt in the above-entitled action be set aside and vacated and a plea of not guilty be entered, and that the accusatory filing is dismissed.
- The court has reviewed the Defendant's Financial Statement and determines defendant can pay reimbursement of costs in the amount of \$150 \$60 other amount _____, which must be paid on or before: _____.
- The court has reviewed the Defendant's Financial Statement and determines defendant cannot pay reimbursement of costs.
- DENIED**
- OTHER:** _____

Date: _____

Judge/Commissioner of the Superior Court

SUPERIOR COURT OF CALIFORNIA, COUNTY OF

STREET ADDRESS:
MAILING ADDRESS:
CITY AND ZIP CODE:
BRANCH NAME:

FOR COURT USE ONLY

PEOPLE OF THE STATE OF CALIFORNIA v.

DEFENDANT:

DEFENDANT'S FINANCIAL STATEMENT AND NOTICE TO DEFENDANT

(check all that apply)

- ELIGIBILITY FOR APPOINTMENT OF COUNSEL**
- REIMBURSEMENT FOR COST OF COURT-APPOINTED COUNSEL**
- ELIGIBILITY FOR RECORD ON APPEAL AT PUBLIC EXPENSE**

CASE NUMBER:

1. a. Defendant's name: d. Date of birth:
 b. Other names used: e. Telephone number:
 c. Address: 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: d. Date of birth:
 b. Other names used: e. Telephone number:
 c. Address: 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
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____

PEOPLE OF THE STATE OF CALIFORNIA v. DEFENDANT:	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	\$ _____
	Total:	\$ _____	Total:	\$ _____

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)	\$ _____
			Total (a-j):	\$ _____

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. _____	\$ _____	\$ _____
		Total:	Total:

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.)	\$ _____
	Total:	\$ _____

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