

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, Address, Telephone No., Email)	FOR COURT USE ONLY
ATTORNEY FOR (Name) : _____ Bar No.: _____ <b>SUPERIOR COURT OF CALIFORNIA, COUNTY OF ORANGE</b> 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 <sup>th</sup> Street, Westminster, CA 92683	
<b>PEOPLE OF THE STATE OF CALIFORNIA</b> VS. Defendant: _____	
<b>PETITION FOR RELIEF UNDER          PENAL CODE §1203.4, §1203.4a, §1203.41, §1203.42</b>	Case Number: Driver's License: Date of Birth:

- I am the  Defendant  Attorney  Probation Officer for the defendant in the above-entitled action.
- 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)
- 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.
  - 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.
  - 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.
  - 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**

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<b>PEOPLE OF THE STATE OF CALIFORNIA</b> VS. Defendant: _____	
<b>PROOF OF SERVICE</b> <input type="checkbox"/> <b>PERSONAL SERVICE</b> <input type="checkbox"/> <b>SERVICE BY MAIL</b>	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**