

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.

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