Self-Help Services www.occourts.org/self-help

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.

www.occourts.org/self-help

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 Does Not... Does... Release the defendant from all penalties and Restrict the Department of Justice from disabilities resulting from the convicted disclosing the arrest and conviction in offense. response to any peace officer application request or law enforcement inquiry. Allow the defendant to indicate that he or she was not arrested or convicted for the Permit the defendant to own, possess or have in his or her custody or control any offense except in response to any direct question contained in any questionnaire of concealable firearm. 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.

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

^{*}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	at 0.00 Monday through Friday.
West Justice Center	Department W3 at 8:30 Fridays only	

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name & Address):			FOR COURT USE ONLY		
TELEPHONE NO.: E-MAIL ADDRESS (<i>Optional</i>): ATTORNEY FOR (<i>Name</i>):	FAX NO. (Optional): BAR NO.:				
SUPERIOR COURT OF CALIFORNIA, COU JUSTICE CENTER: Central - 700 Civic Center Dr. West, Santa Harbor-Newport Beach Facility - 4601 Jar North - 1275 N. Berkeley Ave., P. O. Box S West - 8141 13 th Street, Westminster, CA					
PEOPLE OF THE STATE OF CALIFORNIA vs.					
	UNDER PENAL CODE 1210.1(e)(1 E OF HEARING	1) &	CASE NUMBER:		
The defendant in the above-entitled	criminal action was convicted of the	e felony/mis	demeanor violation of section(s)		
	of the	on			
[SECTION(S)]	[CODE(S)]		(DATE)		
☐ I am the attorney for the petitione	r and state the following on informa	ition and be	elief:		
The defendant has successfully completed treatment as defined in Penal Code section 1210(c) and substantially complied with the conditions of probation.					
Defendant requests that the conviction on which the probation was based be set aside and the court dismiss this action pursuant to Penal Code section 1210.1(e)(1).					
A hearing on the Petition for Dism	issal is scheduled for	at	AM/PM in Department		
	(DATE)	(T	IME) (DEPT.)		
I, the undersigned, say: I am the (attorney/defendant) in this action. I declare under penalty of perjury under the laws of the State of California that the foregoing statements are true and correct, except as to those matters that are stated on my information and belief, and as to those matters, I believe them to be true.					
Date:					
(TYPE OR PRINT NAME)		(SIGNATURE C	OF PETITIONER/ATTORNEY)		

		Form #L-136		
JUSTICE CENT Central Harbor-I North	COURT OF CALIFORNIA, COUNTY OF ORANGE TER: - 700 Civic Center Dr. West, Santa Ana, CA 92701-4045 Newport Beach Facility - 4601 Jamboree Rd., Newport Beach, CA 92660-2595 1275 N. Berkeley Ave., P. O. Box 5000, Fullerton, CA 92838-0500 141 13 th Street, Westminster, CA 92683-4593	FOR COURT USE ONLY		
PEOPLE OF T	HE STATE OF CALIFORNIA vs.			
	ORDER UNDER PENAL CODE 1210.1(e)(1)	CASE NUMBER:		
	ORDER			
□ т	The court denies the Petition for Dismissal under Penal Code 1210.1(e)(1).			
d a re b	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 h control any firearm capable of being concealed upon the p conviction under PC 12021;	-		
2	The arrest and conviction on which probation was based may be of Justice and disclosed in response to any peace officer ap enforcement inquiry;	•		
3	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 office for licensure by any state or local agency, for contracting with the California State Lottery, of the for purposes of serving on a jury.			
Dated: _				
	JUDGE OF TH	IE SUPERIOR COURT		

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address):	FOR COURT USE ONLY
TELEPHONE NO.: FAX NO.:	
E-MAIL ADDRESS (Optional):	
ATTORNEY FOR (Name):	4
SUPERIOR COURT OF CALIFORNIA, COUNTY OF ORANGE JUSTICE CENTER:	
☐ Central - 700 Civic Center Dr. West, Santa Ana, CA 92701 ☐ Harbor-Newport Beach Facility - 4601 Jamboree Rd., Newport Beach, CA 92660-2595	
□ North - 1275 N. Berkeley Ave., P.O. Box 5000, Fullerton, CA 92838-0500 □ West - 8141 13th Street, Westminster, CA 92683	
The control of the co	
PEOPLE OF THE STATE OF CALIFORNIA vs.	
PROOF OF SERVICE	CASE NUMBER:
(Petition for Dismissal under Penal Code 1210.1(d) & Notice of Hearing)	
Mail Personal Service	
1. At the time of service I was at least 18 years of age and not a party to this legal	action.
2. My residence or business address is (specify):	
3. I served a copy of the Petition for Dismissal under Penal Code 1210.1(d) & Notice	of Hearingas follows (complete either a or
b):	
 a. Mail. I am a resident of or employed in the county where the mailing (1) I enclosed a copy in an envelope and 	occurred.
(a) deposited the sealed envelope with the United Stat	es Postal Service, with the postage fully
prepaid. (b) placed the envelope for collection and mailing on the	ne date and at the place shown below,
following our ordinary business practices. I am readily f collecting and processing correspondence for mailing.	
placed for collection and mailing, it is deposited in the o	rdinary course of business with the United
States Postal Service, in a sealed envelope with postag (2) The envelope was addressed and mailed as follows:	ge fully prepaid.
(a) Please check appropriate box(es): ☐ O.C. District Attor	rney or City Attorney (as applicable)
☐ O.C. Probation (b) Address on envelope(s):	
(c) Date of Mailing:	
(d) Place of mailing (city and state):	
 b. Personal delivery. I personally delivered a copy as follows: (1) Please check appropriate box(es): O.C. District Attorney or 	Color Attorney (as applicable)
☐ O.C. Probation	Gity Attorney (as applicable)
(2) Address where delivered:	
(3) Date delivered:	
(4) Time delivered:	
declare under penalty of perjury under the laws of the State of California that the foregoi	ng is true and correct.
Date:	
(TYPE OR PRINT NAME) (SIGNATURI	