



**PRO BONO
TRAINING INSTITUTE**

How to File a California Expungement Petition

**Expungements and Prop 47 Clinic Training
Training Module 2**

Learning Objectives

1. Identify the 7 required pieces of information for filing an expungement petition and the 2 methods for acquiring this information.
2. Identify necessary information for an expungement petition by reading a California Department of Justice “RAP Sheet” and Case File “docket”
3. Fill out an expungement petition after acquiring the necessary information.

Agenda

1. Information Required for an Expungement Petition
2. How to read a DOJ RAP Sheet
3. How to read a Case File “docket”
4. How to fill out an expungement petition

1. Required Information for Expungement Petition

If the client is eligible for expungement, then s/he will need the following information for the petition:

- 1. Court of Conviction**
- 2. Name of Defendant**
- 3. Case Number**
- 4. Date of Conviction**
- 5. Section Number and Code Violation** (e.g. 647(b) of the Penal Code)
- 6. Sentence for Conviction**
- 7. If Sentenced to Probation, Whether All Terms and Conditions Were Met** - If Client got probation, then whether s/he complied with all the terms and conditions of probation, whether s/he was formally in violation of her or his probation.

Where to Find the Information

You can get this information from either:

1. **CA Dep't of Justice RAP Sheet:** The RAP sheet provides necessary information of all convictions state-wide.
2. **Case File (aka “docket”):** The docket only provides information on a specific conviction.

Best Practice:

- If your client does not remember all conviction or has convictions in multiple counties, then use the CA RAP Sheet.
- If your client remembers all convictions, and all of them are in your local county, then use the docket.

Note: We will focus on reading a CA RAP Sheet because it provides state-wide information

2. How to Read a DOJ “RAP Sheet”

Cover Letter & Rap Sheet

KAMALA D. HARRIS
Attorney General

State of California
DEPARTMENT OF JUSTICE



BUREAU OF CRIMINAL INFORMATION AND ANALYSIS

P.O. Box 903417

SACRAMENTO, CA 94203-4170

February 09, 2015

John Smith

P.O. Box 2121

MANHATTAN BC, CA 90266

RE: California Criminal History Information

Dear Applicant

This is in response to your record review request concerning the existence of a California criminal history record maintained in the files of the Department of Justice's Bureau of Criminal Information and Analysis. Your fingerprints did identify to an existing California criminal history record and a copy of that record is enclosed. If you wish to challenge the accuracy or completeness of your record, please complete and return the enclosed form (BCIA 8706) and supporting documentation to the address noted above.

Pursuant to California Penal Code section 11121, the purpose of a record review request is to afford an individual with a copy of their record and to refute any erroneous or inaccurate information contained therein. The intent is not to be used for licensing, certification or employment purposes.

Additionally, California Penal Code sections 11125, 11142, and 11143 does not allow for a person or agency to make a request to another person to provide them with a copy of an individual's criminal history or notification that a record does not exist; does not allow an authorized person to furnish the record to an unauthorized person; nor does it allow an unauthorized person to buy, receive or possess the record or information. A violation of these section codes is a misdemeanor.

Sincerely,

Record Review Unit
Applicant Information and Certification Program
Bureau of Criminal Information and Analysis

For KAMALA D. HARRIS
Attorney General

Enclosures
BCIA 8711 (Rev. 06/10)

4CMTD525207.HH
RE: OHV.CA0349400.09175494.APPUSR. DATE:20150209 TIME:14:22:57
RESTRICTED-DO NOT USE FOR EMPLOYMENT, LICENSING OR CERTIFICATION PURPOSES
ATTH:APPUSR

FOR CALIFORNIA AGENCIES ONLY - HAS PREVIOUS QUALIFYING OFFENSE. COLLECT
DNA IF INCARCERATED, CONFINED, OR ON PROBATION OR PAROLE FOLLOWING ANY
MISDEMEANOR OR FELONY CONVICTION. REQUEST KITS AND INFO AT (510) 620-
3300 OR PC296.PC296@DOJ.CA.GOV.

** PALM PRINT ON FILE AT DOJ FOR ADDITIONAL INFORMATION PLEASE E-MAIL
PALM.PRINT@DOJ.CA.GOV

** ALL CALIFORNIA ONLY SOURCE RECORD

DOB/ 19710605 SEX/M RAC/ [REDACTED] POB/MA
HGT/ 508 WGT/ 180 EYE/BRO [REDACTED]
NAM/ 001 John, Doe
NAM/ 002 Jim, Doe
FBI/ 11211212
DMV/ A3213213
SOC/ 173456789

[REDACTED] ; SC UR ARM-UNKNOWN ;

ARR/DET/CITE: NAM:001
19890804 CAPD LOS ANGELES

CMT:001 #2284845P1540791
470 PC-FORGERY TOC:F

COURT: NAM:002
19890830 CASC LOS ANGELES METRO

CMT:001 #9R55555
470 PC-FORGERY TOC:F

*DISPO:CONVICED
CONV STATUS:MISDEMEANOR
SEN: 024 MONTHS PROBATION, WORK PROGRAM, IMP SEN SS

ARR/DET/CITE: NAM:001 DOB: 19710605
19950310 CAPD BEVERLY HILLS

CMT:001 #9502426 04433554
459 PC-BURGLARY TOC:F

CMT:002
487(A) PC-GRAND THEFT: MONEY/LABOR/PROP TOC:F

CMT:003
470(A) PC-FORGERY TOC:F

CMT:004
476 PC-MAKE/PASS FICTITIOUS CHECK TOC:F

COURT: NAM:001
19951201 CASC LOS ANGELES S MONICA

CMT:001 #SARS2852852
476 PC-MAKE/PASS FICTITIOUS CHECK TOC:F
DISPO:DISMISSED/FURTHERANCE OF JUSTICE

Pulling Out the Relevant Information:

DOB/ 19710605 SEX [REDACTED] RAC/ [REDACTED]
HGT/ [REDACTED] WGT/ [REDACTED] EYE/ [REDACTED] HAI/ [REDACTED]
NAM/001 John, Doe
NAM/002 Jon, Doe
FBI/ 1212121212
DMV/ A3213213
SOC/ 123456789

ARR/DET/CITE: NAM:001
19890804 CAPD LOS ANGELES

CNT:001 # [REDACTED]
470 PC-FORGERY TOC:F

COURT: NAM:002
19890830 CAMC LOS ANGELES METRO

CNT:001 SOR55555
470 PC-FORGERY TOC:F

*DISPO:CONVICTED
CONV STATUS:MISDEMEANOR
SEN: 024 MONTHS PROBATION, WORK PROGRAM, IMP SEN SS
* * * *

ARR/DET/CITE: NAM:001 DOB: 19710605
19950310 CAPD BEVERLY HILLS

CNT:001 # [REDACTED]
459 PC-BURGLARY TOC:F

CNT:002
487(A) PC-GRAND THEFT:MONEY/LABOR/PROP TOC:F

CNT:003
470(A) PC-FORGERY TOC:F

CNT:004
476 PC-MAKE/PASS FICTITIOUS CHECK TOC:F

COURT: NAM:001
19951201 CASC LOS ANGELES S MONICA

CNT:001 # [REDACTED]
476 PC-MAKE/PASS FICTITIOUS CHECK TOC:F
DISPO:DISMISSED/FURTHERANCE OF JUSTICE

This is all part of one case.

Let's Practice!

Reading a DOJ rap sheet

3. How to Read a Case File ("Docket")

NO. 93M321321

THE PEOPLE OF THE STATE OF CALIFORNIA VS.
DEFENDANT 01: JOHN ALLEN DOE
LAW ENFORCEMENT AGENCY EFFECTING ARREST: LASD - CARSON STATION

BAIL DATE	APPEARANCE DATE	AMOUNT OF BAIL	DATE POSTED	RECEIPT OR BOND NO.	SURETY COMPANY	REGISTER NUMBER

CASE FILED ON 11/05/93.
COMPLAINT FILED, DECLARED OR SWORN TO CHARGING DEFENDANT WITH HAVING
COMMITTED, ON OR ABOUT 11/02/93 IN THE COUNTY OF LOS ANGELES, THE FOLLOWING
OFFENSE(S) OF:

COUNT 01: 12025(A) PC MISD
COUNT 02: 12031(A) PC MISD

Offenses Charged

NEXT SCHEDULED EVENT:
12/14/93 830 AM ARRAIGNMENT DIST COMPTON COURTHOUSE DIV 008

ON 12/14/93 AT 830 AM IN COMPTON COURTHOUSE DIV 010

CASE CALLED FOR ARRAIGNMENT
PARTIES: [REDACTED] (JUDGE) [REDACTED] (CLERK)
[REDACTED] (REP) [REDACTED] (DA)
DEFENDANT DEMANDS COUNSEL.
COURT REFERS DEFENDANT TO THE PUBLIC DEFENDER.
PUBLIC DEFENDER APPOINTED. [REDACTED] P.D.
DEFENDANT IS PRESENT IN COURT, AND REPRESENTED BY LARONDA J. MCCOY DEPUTY
PUBLIC DEFENDER
DEFENDANT STATES HIS/HER TRUE NAME AS CHARGED.

DEFENDANT ADVISED OF THE FOLLOWING RIGHTS ORALLY:
THE RIGHT TO BE REPRESENTED BY A LAWYER AT ALL STAGES OF THE PROCEEDINGS,
INCLUDING THE RIGHT, IF QUALIFIED, TO BE REPRESENTED BY A LAWYER AT PUBLIC
EXPENSE;
IN ANY CASE IN WHICH YOU ARE FURNISHED A LAWYER, EITHER THROUGH THE PUBLIC
DEFENDER OR PRIVATE COUNSEL APPOINTED BY THE COURT, UPON CONCLUSION OF THE
CRIMINAL PROCEEDINGS IN THE TRIAL COURT, THE COURT SHALL MAKE A
DETERMINATION OF YOUR PRESENT ABILITY TO PAY ALL OR A PORTION OF THE COST OF
COUNSEL. IF THE COURT DETERMINES THAT YOU HAVE THE PRESENT ABILITY TO PAY

Transcript of Case

ALL OR PART OF THE COST, IT SHALL ORDER YOU TO PAY THE SUM TO THE COUNTY IN
ANY INSTALLMENTS AND MANNER WHICH IT BELIEVES REASONABLE AND COMPATIBLE WITH
YOUR FINANCIAL ABILITY. EXECUTION MAY BE ISSUED ON THE ORDER IN THE SAME
MANNER AS ON A JUDGMENT IN A CIVIL ACTION;
THE RIGHT TO REPRESENT YOURSELF, IF YOU KNOWINGLY, INTELLIGENTLY,
UNDERSTANDINGLY, AND EXPLICITLY WAIVE YOUR RIGHT TO A LAWYER AND UNDERSTAND
THE DANGERS AND DISADVANTAGES OF SELF-REPRESENTATION; THE RIGHT TO A
REASONABLE CONTINUANCE BEFORE ENTERING A PLEA;
YOU MAY PLEAD GUILTY, NOT GUILTY OR, WITH THE CONCURRENCE OF THE COURT, NOLO
CONTENDERE TO THE CHARGES IN THE COMPLAINT;
A PLEA OF NOLO CONTENDERE SHALL BE CONSIDERED THE SAME AS A PLEA OF GUILTY.
FOR THE PURPOSES OF THE CRIMINAL PROCEEDING, IT IS AN ADMISSION OF GUILT BUT
CANNOT BE USED AGAINST YOU AS AN ADMISSION OF FAULT IN A CIVIL PROCEEDINGS
ARISING OUT OF THE INCIDENT THAT CAUSED CRIMINAL PROCEEDINGS TO BE BROUGHT;
IF YOU PLEAD NOT GUILTY, YOU ARE ENTITLED TO A SPEEDY AND PUBLIC TRIAL;

COURT FINDS THAT EACH SUCH WAIVER IS KNOWINGLY, UNDERSTANDINGLY, AND EXPLICITLY MADE;

THE DEFENDANT WITH THE COURTS APPROVAL, PLEADS NOLO CONTENDERE TO COUNT 01 A VIOLATION OF SECTION 12025(A) PC. THE COURT FINDS THE DEFENDANT GUILTY.

COUNT (01) : DISPOSITION: CONVICTED

THE DEFENDANT WITH THE COURTS APPROVAL, PLEADS NOLO CONTENDERE TO COUNT 02 A VIOLATION OF SECTION 12031(A) PC. THE COURT FINDS THE DEFENDANT GUILTY.

COUNT (02) : DISPOSITION: CONVICTED

DEFENDANT IS ADVISED OF HIS RIGHT TO A SPEEDY TRIAL AND WAIVES STATUTORY TIME FOR TRIAL.

COURT FINDS THAT THERE IS A FACTUAL BASIS FOR DEFENDANT'S PLEA, AND COURT ACCEPTS PLEA.

NEXT SCHEDULED EVENT:

SENTENCING

DEFENDANT WAIVES ARRAIGNMENT FOR JUDGMENT AND STATES THERE IS NO LEGAL CAUSE WHY SENTENCE SHOULD NOT BE PRONOUNCED. THE COURT ORDERED THE FOLLOWING

JUDGMENT:

AS TO COUNT (01), (02):

IMPOSITION OF SENTENCE SUSPENDED

DEFENDANT PLACED ON SUMMARY PROBATION

FOR A PERIOD OF 001 YEARS UNDER THE FOLLOWING TERMS AND CONDITIONS:

PERFORM 10 DAYS OF CAL TRANS, AND FILE PROOF OF COMPLETION WITH THE CLERK'S OFFICE BY 02/28/94;

IN ADDITION:

-NOT OWN, USE OR POSSESS ANY DANGEROUS OR DEADLY WEAPONS, INCLUDING ANY FIREARMS, KNIVES OR OTHER CONCEALABLE WEAPONS.

-THE WEAPON INVOLVED IN THIS CASE IS ORDERED CONFISCATED AND DESTROYED BY THE ARRESTING AGENCY.

-NOT COMMIT ANY CRIMINAL OFFENSE.

-OBEY ALL LAWS AND ORDERS OF THE COURT.

-DEFENDANT REFERRED TO FINANCIAL OFFICER FOR DETERMINATION OF VALUE OF SERVICES RENDERED AND ABILITY TO PAY COSTS OF COURT APPOINTED COUNSEL OR PUBLIC DEFENDER.

COUNT 2 - 12031(A)PC STAYED PURSUANT TO 654 PC.

DEFENDANT ORDERED TO REPORT TO FINANCIAL EVALUATOR IMMEDIATELY. CONFISCATION ORDER ISSUED TO CARSON SHERIFF.

COUNT (01): DISPOSITION: CONVICTED

COUNT (02): DISPOSITION: CONVICTED

DMV ABSTRACT NOT REQUIRED

NEXT SCHEDULED EVENT:

02/28/94 830 AM PROOF OF CAL TRANS DIST COMPTON COURTHOUSE DIV 010

Sentence

Conviction

Let's Practice!

Reading a rap sheet for information
required for a petition for dismissal

Now a client comes to you and requests the dismissal relief for a conviction in Compton on February 3, 2010. What bracket has that information?

- A) Blue Bracket
- B) Green Bracket
- C) Red Bracket

```
COM: PHOTO AVAILABLE
SCH:M20C2870015
-----
COURT: NAM:001
20091016 CASC COMPTON

CNT:001 #COMTA123456789
11377(A) HS-POSSESS CONTROLLED SUBSTANCE
DISPO:PROC SUSP/DRUG CRT-DEFERRED JUDGEMENT
DCN:PO903042970919000557
* * * * *

ARR/DET/CITE: NAM:002 DOB:19860131
20091206 CACJ LOS ANGELES

CNT:001 #2154021-30656401
215(A) PC-CARJACKING
ARR BY:CASO LA COMPTON

CNT:002
496(A) PC-RECEIVE/ETC KNOWN STOLEN PROPERTY
ADR:20091206 (9334,MAPLE ST, ,E,BELL FLOWER,CA,90706)
COM: PHOTO AVAILABLE
SCH:M20C3400006
* * * * *

ARR/DET/CITE: NAM:004 DOB:19870131
20100201 CACJ LOS ANGELES

CNT:001 #2214008-30656401
11377(A) HS-POSSESS CONTROLLED SUBSTANCE
ARR BY:CASO LA COMPTON

CNT:002
-WARRANT
11377(A) HS-POSSESS CONTROLLED SUBSTANCE
DISPO:DISPO SEE MATCH ARR/DET/CITE NUMB(FDSMN)
WARRANT #COMTA123456789
ADR:20100201 (9334,MAPLE STREET, , ,BELLFLOWER,CA, )
COM: PHOTO AVAILABLE
SCH:M06D0320005
-----
COURT: NAM:001
20100203 CASC COMPTON

CNT:001 #COMTA8673309
11377(A) HS-POSSESS CONTROLLED SUBSTANCE
*DISPO:CONVICTED
CONV STATUS:FELONY
SEN: 036 MONTHS PROBATION, 030 DAYS JAIL, IMP SEN SS

20100203
DISPO:CONDITION OF PROB-FIREARM RESTRICTION

20100206
DISPO:FOR CERT INFO SEE AUTOMATED ARCHIVE SYS
COM: CONVICTION CERTIFIED BY JOHN A. CLARKE,EXECUTIVE
OFFICER CLERK,CASCCOMPTON
DCN:PO910050371019000832
* * * * *

APPLICANT: NAM:002
20130930 CACB LA DPT CHILDREN & FAM, LOS ANGELES
```

Correct - Click anywhere
press Control Y.

Your ans

You

You m

4.How to Complete a Petition for Dismissal Using Judicial Council Forms

CR 180 & 181

CR-180 Petition for Dismissal

CR-180

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): TELEPHONE NO.: _____ FAX NO.: _____ E-MAIL ADDRESS: _____ ATTORNEY FOR (Name): _____	FOR COURT USE ONLY
PEOPLE OF THE STATE OF CALIFORNIA v. DEFENDANT: _____ DATE OF BIRTH: _____	CASE NUMBER: _____
PETITION FOR DISMISSAL (Pen. Code, §§ 17(b), 1203.4, 1203.4a, 1203.41)	FOR COURT USE ONLY Date: _____ Time: _____ Department: _____

PEOPLE OF THE STATE OF CALIFORNIA v. DEFENDANT: _____	CASE NUMBER: _____
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4. Felony county jail sentence under Penal Code section 1170(h)(5) (Pen. Code, § 1203.41)
 The petitioner is not under supervision under Penal Code section 1170(h)(5)(B) and is not serving a sentence for, on probation for, or charged with the commission of any offense, and should be granted relief in the interests of justice, and (check one):
- a. more than one year has elapsed since petitioner completed the felony county jail sentence with a period of mandatory supervision imposed under Penal Code section 1170(h)(5)(B); or
 - b. more than two years have elapsed since petitioner completed the felony county jail sentence without a period of mandatory supervision imposed under Penal Code section 1170(h)(5)(A).
- (Please note: You must explain why granting a dismissal would be in the interests of justice. You may complete and attach the Attached Declaration (form MC-031) or submit other relevant documents.)

1. On (date): _____, the petitioner (the defendant in the above-entitled criminal action) was convicted of a violation of the following:

Offense (Specify each offense in the case noted above.)	Code	Section	Type of offense: (felony, misdemeanor, infraction)	Eligible for reduction to misdemeanor under Penal Code § 17(b) (Yes or No)

If additional space is needed for listing offenses, use Attachment to Judicial Council Form (form MC-025).

2. Felony or misdemeanor with probation granted (Pen. Code, § 1203.4)
 Probation was granted on the terms and conditions set forth in the docket of the above-entitled court; the petitioner is not serving a sentence for any offense, nor on probation for any offense, nor under charge of commission of any crime, and the petitioner (check all that apply):
- a. has fulfilled the conditions of probation for the entire period thereof;
 - b. has been discharged from probation prior to the termination of the period thereof;
 - c. should be granted relief in the interests of justice. (Please note: You must explain why granting a dismissal would be in the interests of justice. You may complete and attach the Attached Declaration (form MC-031) or submit other relevant documents.)
3. Misdemeanor or infraction with sentence other than probation (Pen. Code, § 1203.4a)
 Probation was not granted; more than one year has elapsed since the date of pronouncement of judgment. The petitioner has complied with the sentence of the court and is not serving a sentence for any offense or under charge of commission of any crime; and the petitioner (check one):
- a. has lived an honest and upright life since pronouncement of judgment and conformed to and obeyed the laws of the land; or
 - b. should be granted relief in the interests of justice. (Please note: You must explain why granting a dismissal would be in the interests of justice. You may complete and attach the Attached Declaration (form MC-031) or submit other relevant documents.)

Petitioner requests that the eligible felony offenses listed above be reduced to misdemeanors under Penal Code section 17(b).

Petitioner requests that he/she be permitted to withdraw the plea of guilty, or that the verdict or finding of guilt be set aside and a plea of not guilty be entered and the court dismiss this action under section 1203.4, 1203.4a, or 1203.41 of the Penal Code.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on: _____ (DATE) _____ (SIGNATURE OF PETITIONER OR ATTORNEY)

 (ADDRESS, PETITIONER) (CITY) (STATE) (ZIP CODE)

Client Information

Convicted Name + DOB

Conviction Date + Offense Info

Type of expungement (1203.4 or 1203.4a)

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address):

TELEPHONE NO.: FAX NO.:

E-MAIL ADDRESS:

ATTORNEY FOR (Name):

PEOPLE OF THE STATE OF CALIFORNIA
V.

DEFENDANT: DATE OF BIRTH:

PETITION FOR DISMISSAL
(Pen. Code, §§ 17(b), 1203.4, 1203.4a, 1203.41)

CASE NUMBER:

FOR COURT USE ONLY
Date:
Time:
Department:

1. On (date): _____, the petitioner (the defendant in the above-entitled criminal action) was convicted of a violation of the following:

Offense (Specify each offense in the case noted above.)	Code	Section	Type of offense: (Felony; Misdemeanor; Infraction)	Eligible for reduction to misdemeanor under Penal Code § 17(b) (Yes or No)

If additional space is needed for listing offenses, use Attachment to Judicial Council Form (form MC-025).

2. **Felony or misdemeanor with probation granted (Pen. Code, § 1203.4)**
 Probation was granted on the terms and conditions set forth in the docket of the above-entitled court; the petitioner is not serving a sentence for any offense, nor on probation for any offense, nor under charge of commission of any crime, and the petitioner (check all that apply):
- a. has fulfilled the conditions of probation for the entire period thereof;
 - b. has been discharged from probation prior to the termination of the period thereof;
 - c. should be granted relief in the interests of justice. (Please note: You must explain why granting a dismissal would be in the interests of justice. You may complete and attach the Attached Declaration (form MC-031) or submit other relevant documents.)
3. **Misdemeanor or infraction with sentence other than probation (Pen. Code, § 1203.4a)**
 Probation was not granted; more than one year has elapsed since the date of pronouncement of judgment. The petitioner has complied with the sentence of the court and is not serving a sentence for any offense or under charge of commission of any crime; and the petitioner (check one):
- a. has lived an honest and upright life since pronouncement of judgment and conformed to and obeyed the laws of the land; or
 - b. should be granted relief in the interests of justice. (Please note: You must explain why granting a dismissal would be in the interests of justice. You may complete and attach the Attached Declaration (form MC-031) or submit other relevant documents.)

PEOPLE OF THE STATE OF CALIFORNIA v. DEFENDANT:

CASE NUMBER:

4. **Felony county jail sentence under Penal Code section 1170(h)(5) (Pen. Code, § 1203.41)**

The petitioner is not under supervision under Penal Code section 1170(h)(5)(B) and is not serving a sentence for, on probation for, or charged with the commission of any offense, and should be granted relief in the interests of justice, and (check one:)

- a. more than one year has elapsed since petitioner completed the felony county jail sentence **with** a period of mandatory supervision imposed under Penal Code section 1170(h)(5)(B); or
- b. more than two years have elapsed since petitioner completed the felony county jail sentence **without** a period of mandatory supervision imposed under Penal Code section 1170(h)(5)(A).

(Please note: You must explain why granting a dismissal would be in the interests of justice. You may complete and attach the Attached Declaration (form MC-031) or submit other relevant documents.)

Petitioner requests that the eligible felony offenses listed above be reduced to misdemeanors under Penal Code section 17(b).

Petitioner requests that he/she be permitted to withdraw the plea of guilty, or that the verdict or finding of guilt be set aside and a plea of not guilty be entered and the court dismiss this action under section 1203.4, 1203.4a, or 1203.41 of the Penal Code.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on: _____
(DATE)

▶ _____
(SIGNATURE OF PETITIONER OR ATTORNEY)

(ADDRESS, PETITIONER)

(CITY) (STATE) (ZIP CODE)

Type of
Expungement
Continued
(1203.41)

Check box for
type of
expungement
requested

Complete
Signatures

CR-181 Order for Dismissal

CR-181

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): TELEPHONE NO.: _____ FAX NO.: _____ E-MAIL ADDRESS: _____ ATTORNEY FOR (NAME): _____	FOR COURT USE ONLY
PEOPLE OF THE STATE OF CALIFORNIA V. DEFENDANT: _____ DATE OF BIRTH: _____	
ORDER FOR DISMISSAL (Pen. Code, §§ 17(b), 1203.4, 1203.4a, 1203.41)	CASE NUMBER: _____

The court finds from the records on file in this case, and from the foregoing petition, that the petitioner (the defendant in the above-entitled criminal action) is eligible for the following requested relief:

1. The court **GRANTS** the petition for reduction of a felony to a misdemeanor under Penal Code section 17(b) and reduces the following felony convictions to misdemeanors:
 - ALL FELONY CONVICTIONS in the above-entitled action; or
 - Only the following felony convictions in the above-entitled action (specify charges and date of conviction):

2. The court **DENIES** the petition for reduction of a felony to a misdemeanor under Penal Code section 17(b) for:
 - ALL FELONY CONVICTIONS in the above-entitled action; or
 - Only the following felony convictions in the above-entitled action (specify charges and date of conviction):

3. The court **GRANTS** the petition for dismissal regarding the following convictions under Penal Code § 1203.4, or § 1203.4a, or § 1203.41, and it is ordered that the pleas, verdicts, or findings of guilt be set aside and vacated and a plea of not guilty be entered and that the complaint be, and is hereby, dismissed for:
 - ALL CONVICTIONS in the above-entitled action; or
 - Only the following convictions in the above-entitled action (specify charges and date of conviction):

4. The court **DENIES** the petition for dismissal regarding the following convictions under Penal Code § 1203.4, or § 1203.4a, or § 1203.41 for:
 - ALL CONVICTIONS in the above-entitled action; or
 - Only the following convictions in the above-entitled action (specify charges and date of conviction):

5. If this order is granted under the provisions of Penal Code section 1203.4 or 1203.41:
 - a. The petitioner is required to disclose the above conviction in response to any direct question contained in any questionnaire or application for public office, or for licensure by any state or local agency, or for contracting with the California State Lottery Commission.
 - b. Dismissal of the conviction does not automatically relieve petitioner from the requirement to register as a sex offender. (See, e.g., Pen. Code, § 260.5.)
 - c. The petitioner may also be eligible to obtain a certificate of rehabilitation and pardon under the procedure set forth in Penal Code section 4852.01 et seq.

PEOPLE OF THE STATE OF CALIFORNIA v. DEFENDANT:	CASE NUMBER:
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6. If the order is granted under the provisions of either Penal Code section 1203.4, 1203.4a, or 1203.41, the petitioner is released from all penalties and disabilities resulting from the offense except as provided in Penal Code sections 29800 and 29900 (formerly sections 12021 and 12021.1) and Vehicle Code section 13555. In any subsequent prosecution of the petitioner for any other offense, the prior conviction may be pleaded and proved and shall have the same effect as if probation had not been granted or the accusation or information dismissed. The dismissal does not permit a person to own, possess, or have in his or her control a firearm if prevented by Penal Code sections 29800 or 29900 (formerly sections 12021 and 12021.1). Dismissal of a conviction does not permit a person prohibited from holding public office as a result of that conviction to hold public office.

7. In addition, as required by Penal Code section 299(f), relief under Penal Code sections 17(b), 1203.4, 1203.4a, or 1203.41 does not release petitioner from the separate administrative duty to provide specimens, samples, or print impressions under the DNA and Forensic Identification Database and Data Bank Act (Pen. Code, § 295 et seq.) if petitioner 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).

Date: _____

(JUDICIAL OFFICER)

FOR COURT USE ONLY

REMEMBER!!!!

1. Fill out paperwork and Client signs all the following: a) petition (CR-180); b) fee waiver (FW001); and c) declaration (MC-031).
 - <http://www.courts.ca.gov/forms.htm>
 - **Copy paperwork three times** → 1) copy for our files 2) copy for the client 3) copy for Proof of Service.
2. Client will serve prosecutors themselves.
3. Client will file original petition with clerk
 - Clerk to stamp copy as proof of receipt.