

Expungement (Cleaning up a Criminal Record): Understanding Sacramento Court's Expungement Packet

This guide contains samples with instructions for all of the expungement forms include in the Sacramento County Superior Court's Expungement / Dismissal Information and Petition Packet (https://www.saccourt.ca.gov/criminal/docs/1203-4-dismissal-process.pdf).

This packet also includes the Petition and Order Pursuant to Penal Code 1203.3, 17(b) (Sac Local Form CR-9), which is used to terminate probation early. If you do not need to do this, skip that form.

The court also offers additional information on their <u>Expungement / Dismissal (https://www.saccourt.ca.gov/civil/self-help-services/expungement.aspx)</u> page, and a presentation guiding you step by step on how to fill the forms out.

The court's Self Help Services offers an online guide to filling the forms out at Expungement Walkthrough - Sacramento Superior Court (https://www.saccourt.ca.gov/civil/docs/petition-exp-012221.pdf)

Templates and Forms

• Sacramento Superior Court Criminal Dismissal (Expungement) Process Guide (https://www.saccourt.ca.gov/criminal/docs/1203-4-dismissal-process.pdf)

Free Video!

Criminal Records Expungement Video (https://www.saclaw.org/resource_library/expungement-cleaning-up-a-criminal-record-understanding-sacramento-courts-expungement-packet/)

This video is a joint project of the Sacramento County Public Law Library and the former Voluntary Legal Services Program. It explains how to ask the court to dismiss your convictions and expunge your record.

Note: The forms referred to in this video have been updated since it was recorded. However, the information in the video may still be helpful for those trying to expunge their own record. Make sure you are using the most updated forms included in the Sacramento Superior Court Criminal (Expungement) Dismissal Process (https://www.saccourt.ca.gov/criminal/docs/1203-4-dismissal-process.pdf) guide.



For More Information

On the Web:

California Courts Self Help Website: "Clean your record" (https://selfhelp.courts.ca.gov/clean-your-record)

This website includes a section with information and instructions on cleaning up your criminal record.

At the Law Library:

How to Seal Your Juvenile and Criminal Records in California

KFC 1194 .Z9 S53 (Self-Help)

California Criminal Defense Practice

KFC 1155 .C342 Chap. 103

Electronic Access: On the Law Library's computers, using LexisAdvance.

California Criminal Law Procedure and Practice

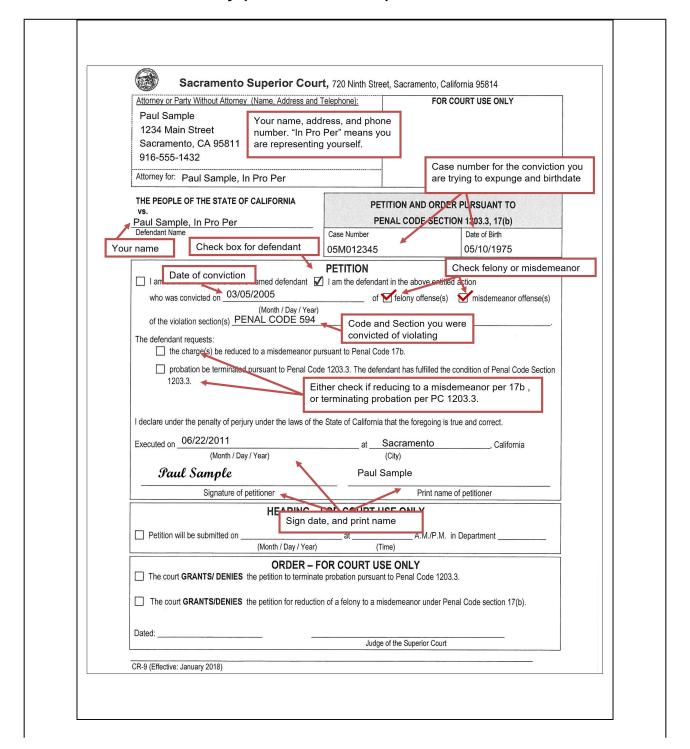
KFC 1155 .C35 Chap. 4

Electronic Access: On the Law Library's computers, using OnLaw.



Samples

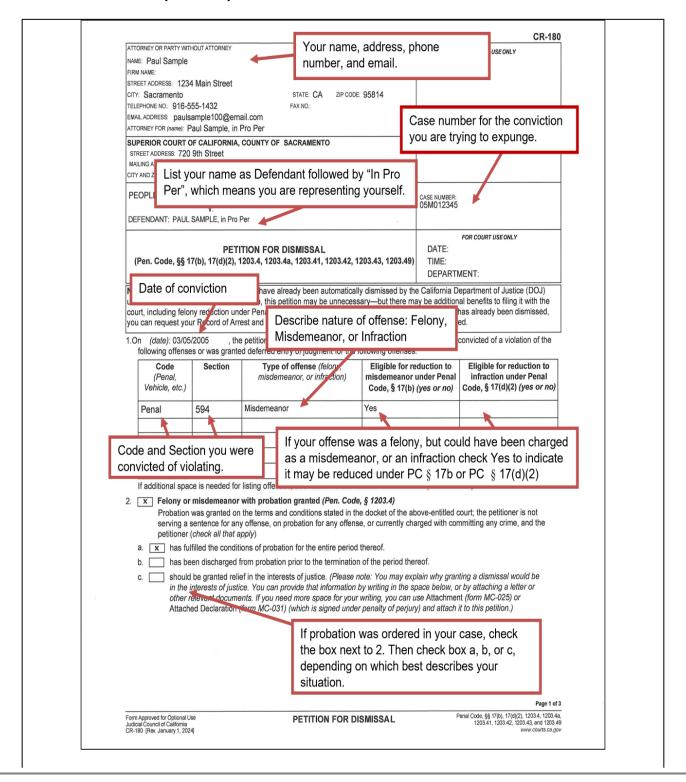
Petition to End Probation Early (Local Form CR-9)



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Petition and Order Pursuant to Penal Code 1203.3, 17(b) (Sac Local Form CR-9)

Petition for Dismissal (CR-180)



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Petition for Dismissal (CR-180) (page 1) Your name and case number **CR-180** PEOPLE OF THE STATE OF CALIFORNIA V. DEFENDANT: CASE NUMBER 05M012345 PAUL SAMPLE, in Pro Per Misdemeanor or infraction with sentence other than probation (Pen. Code. § 1203.4a) Probation was not granted; more than one year has elapsed since judgment was pronounced. Petitioner has complied with the sentence of the court and is not serving a sentence for any offense or currently charged with committing 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; should be granted relief in the interest If probation was not ordered in your case, check the would be in the interests of justice. You can provide ter or other box next to 3. Check box a if you have not been ttached relevant documents. If you need more charged or convicted of a crime since this case. Declaration (form MC-031) (which is Check box b if you have had subsequent criminal cases and attach a declaration explaining why this expungement is in the interests of justice. 4. Misdemeanor conviction under Penal Code section 647(b) (Pen. Code, § 1203.49) Pettioner has completed a term of probation for a conviction under Penal Code section 647(b) and should be granted relief se the conviction was the result of petitioner's status as a victim of human trafficking (Please) rovide evidence that the conviction was the result of your status as a victim of human trafficking. You can provide that information by writing in the space below or by attaching a letter or other relevant documents. If you need more space for your writing, you can use Attachment (form MC-025) or Attached Declaration (form MC-031) (which is signed under penalty of perjury) and Select 4 if your conviction was the result of your status as a victim of human trafficking 5. Felony county jail sentence under Penal Code section 1170(h)(5) or felony state prison sentence (Pen. Code, § 1203.41) Petitioner is not on parole or unge ce for, on If you only were sentenced to state prison, yet you served tice, and probation for, or currently charged wit time only in a county jail, then you will be eligible to have (check one) more than one year has elapsed s your record expunged under PC 1203.41. supervision imposed under Penal 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). c. more than two years have elapsed since petitioner completed the felony state prison sentence, and the conviction did not result in a requirement to register as a sex offender under Chapter 5.5 (starting with section 290) of Title 9 of Part 1 of the (Please note: You may explain why granting a dismissal would be in the interests of justice. You can provide that information by writing in the space below or by attaching a letter or other relevant documents. If you need more space for your writing, you can use Attachment (form MC-025) or Attached Declaration (form MC-031) (which is signed under penalty of perjury) and attach it to this petition.)

Petition for Dismissal (CR-180) (page 2)

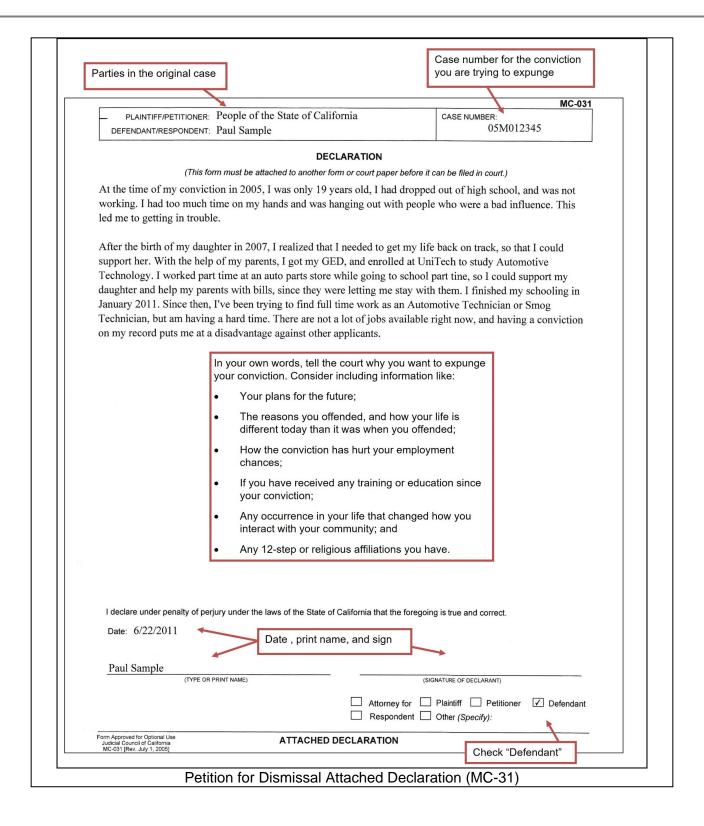
PETITION FOR DISMISSAL

CR-180 [Rev. January 1, 2024]

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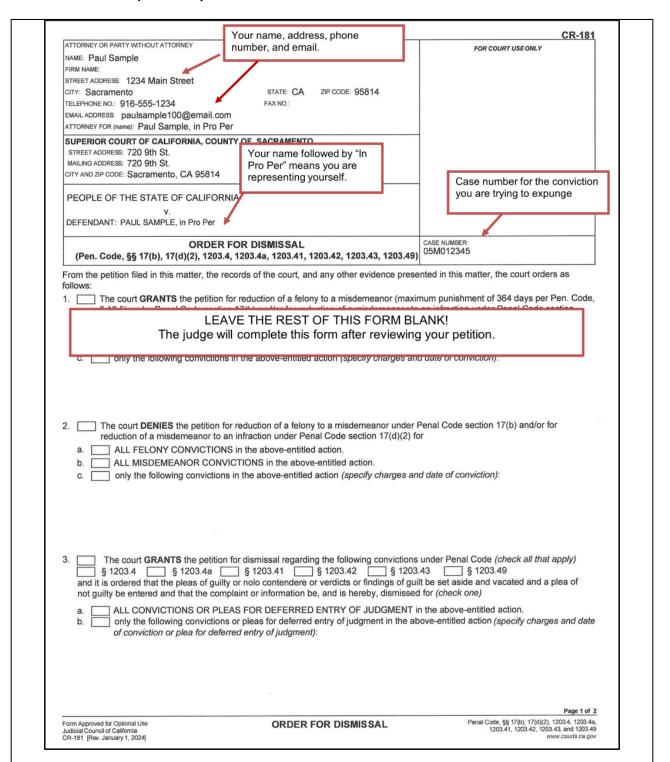
Your name and case number		ber	
			CR-180
PEOPLE OF THE STATE OF CALIFORNIA V. D PAUL SAMPLE, in Pro Per	EFENDANT:	05M012	
6. Felony prison sentence that would ha Penal Code section 1170(h)(5) (Pen. C		ty jail sente	nce after 2011 under
Petitio er is not under supervision and is any crime more than two years have ela granted relie in the interests of justice. (Please note: You may explain why gran by writing in the space below or by attact	not serving a sentence for, on proba- psed since petitioner completed the ting a dismissal would be in the inter	felony prison	n sentence; and petitioner should be
you can use Attachment (form MC-025) attach it to this petition.)	or Attached Declaration (form MC-03	31) (which is	signed under penalty of perjury) and
	u were sentenced prior to the 20 slation, per PC 1203.42.	011 Realig	nment
 Deferred entry of judgment (Pen. Code Petitioner performed satisfactorily during charge(s) were dismissed under former land 	the period in which deferred entry o	f judgment v):	vas granted. The criminal . Furthermore (check one),
a. court records are available showing t		7	
 b. petitioner declares under penalty of p for deferred entry of judgment. Petition (1) has (2) has not attached a copy of petitioner's state sets. 	oner (check one) If you p which and ca	performed deferred ei in establish	tioner completed the requirements satisfactorily during the period in try of judgment was granted n dismissal was granted under de the date of the dismissal.
		oo.s. mciu	de the date of the distribssal.
 Petitioner requests that the eligible felony offer eligible misdemeanor offenses be reduced to in 		17(d)(2).	
Petitioner requests that petitioner be permitted plus of not guilty be entered and the court dism	to withdraw the plea of guilty, or tha niss this action under the Penal Code	t the verdict e section(s)	or finding of guilt be set aside and a noted above.
8 & 9 reinforces what you are requesting the court to do, leave blank			
requesting the court to do, leave	Print Sign, and Date		
requesting the court to do, leave	Print Sign, and Date		Qual Samuela
requesting the court to do, leave blank	Print Sign, and Date	(SIGA	Paul Sample Tature of Petitioner or Attorney)
requesting the court to do, leave blank Date: 05/22/2011 PAUL SAMPLE	Print Sign, and Date	(SIGA	





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Order for Dismissal (CR-181)



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Order for Dismissal (CR-181) (page 1 of 2) Your name, and case number **CR-181** PEOPLE OF THE STATE OF CALIFORNIA v. DEFENDANT: CASE NUMBER: 05M012345 PAUL SAMPLE, in Pro Per 4. The court **DENIES** the petition for dismissal under Penal Code (check all that apply) a. ALL CONVICTIONS OR PLEAS FOR DEFERRED ENTRY OF JUDGMENT in the above-entitled action. b. only the following convictions or pleas for deferred entry of judgment in the above-entitled action (specify charges and date of conviction or plea for deferred entry of judgment): LEAVE THE REST OF THIS FORM BLANK! The judge will complete this form after reviewing your petition. In granting this order under the provisions of Penal Code section 1203.49, the court finds that the petitioner was a victim of human trafficking when petitioner committed the crime. a. The court orders (check one): (1) the relief described in section 1203.4. the relief described in section 1203.4, with the following exceptions (specify): b. The Department of Justice is hereby notified that petitioner was a victim of human trafficking when petitioner committed the crime, and notified of the relief ordered. 6. If this order is granted under the provisions of Penal Code section 1203.4, 1203.41, or 1203.42, 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, under Penal Code section 1203.41, for licensure by a federally recognized tribe or for enrollment as a provider of in-home supportive services and "waiver personal care services" (see Welf. & Inst. Code, §§ 12300-12318, 14132.95, 14132.952, 14132.956, 14132.97)), or for contracting with the California State Lottery Commission: and b. dismissal of the conviction does not automatically relieve petitioner from the requirement to register as a sex offender. (See, e.g., Pen. Code, § 290.5.) 7. If this order is granted under the provisions of Penal Code section 1203.4, 1203.4a, 1203.41, 1203.42, or 1203.49, 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 their control a firearm if prevented by Penal Code section 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 Dismissal under Penal Code section 1203.4 or 1203.4a does not release petitioner from the terms and conditions of any unexpired criminal protective order issued under Penal Code section 136.2(i)(1), 273.5(j), 368(I), or 646.9(k). FOR COURT USE ONLY 9. In addition, as required by Penal Code section 299(f), relief under Penal Code section 17(b), 17(d)(2), 1203.4, 1203.4a, 1203.41, 1203.42, or 1203.49 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 10. The basis for an order of dismissal granted under the provisions of Penal Code section 1203.43 is the invalidity of petitioner's prior plea due to misinformation in former Penal Code section 1000.4 regarding the actual consequences of making a plea and successful completion of a deferred entry of judgment program. 11. Notice: Except as provided in Penal Code section 1203.425(a)(4), if this order is granted under Penal Code section 1203.4, 1203.4a, 1203.41, or 1203.42, the court must not disclose information concerning a conviction granted relief to any person or entity, in any format, except to the person whose conviction was granted relief or to a criminal justice agency. Date: (JUDICIAL OFFICER) CR-181 [Rev. January 1, 2024] ORDER FOR DISMISSAL Page 2 of 2 Order for Dismissal (CR-181) (page 2 of 2)

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Criminal History Transcript (Rap Sheet)

