

ATTORNEY OR PARTY WITHOUT ATTORNEY: _____ STATE BAR NO.: _____ NAME: _____ FIRM NAME: _____ STREET ADDRESS: _____ CITY: _____ STATE: _____ ZIP CODE: _____ TELEPHONE NO.: _____ FAX NO.: _____ E-MAIL ADDRESS: _____ ATTORNEY FOR (name): _____	<b>FOR COURT USE ONLY</b>
PEOPLE OF THE STATE OF CALIFORNIA v. DEFENDANT: _____ DATE OF BIRTH: _____	CASE NUMBER: _____
<b>PETITION FOR DISMISSAL</b> <b>(Pen. Code, §§ 17(b), 17(d)(2), 1203.4, 1203.4a, 1203.41, 1203.42, 1203.43, 1203.49)</b>	<b>FOR COURT USE ONLY</b> DATE: _____ TIME: _____ DEPARTMENT: _____

1. On (date): \_\_\_\_\_, the petitioner (the defendant in the above-entitled criminal action) was convicted of a violation of the following offenses or was granted deferred entry of judgment for the following offenses:

Code	Section	Type of offense (felony, misdemeanor, or infraction):	Eligible for reduction to misdemeanor under Penal Code, § 17(b) (yes or no)	Eligible for reduction to infraction under Penal Code, § 17(d)(2) (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 stated in the docket of the above-entitled court; the petitioner is not serving a sentence for any offense, on probation for any offense, or 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 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 the Attached Declaration (form MC-031) and attach it to this petition.)

PEOPLE OF THE STATE OF CALIFORNIA v. DEFENDANT:

CASE NUMBER:

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. 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 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 the Attached Declaration (form MC-031) and attach it to this petition.*)

4. ☐ **Misdemeanor conviction under Penal Code section 647(b) (Pen. Code, § 1203.49)**

Petitioner has completed a term of probation for a conviction under Penal Code section 647(b) and should be granted relief because the petitioner can establish by clear and convincing evidence that the conviction was the result of his or her status as a victim of human trafficking.

(*Please note: You may provide 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 the Attached Declaration (form MC-031) and attach it to this petition.*)

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

Petitioner is not under supervision under Penal Code section 1170(h)(5)(B); 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 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 the Attached Declaration (form MC-031) and attach it to this petition.*)

PEOPLE OF THE STATE OF CALIFORNIA v. DEFENDANT:

CASE NUMBER:

6. ☐ **Felony prison sentence that would have been eligible for a felony county jail sentence after 2011 under Penal Code section 1170(h)(5) (Pen. Code, § 1203.42)**

Petitioner is not under supervision and is not serving a sentence for, on probation for, or charged with the commission of any offense; more than two years have elapsed since petitioner completed the felony prison sentence; and petitioner should be granted relief in the interests of justice.

*(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 the Attached Declaration (form MC-031) and attach it to this petition.)*

7. ☐ **Deferred entry of judgment (Pen. Code, § 1203.43)**

Petitioner performed satisfactorily during the period in which deferred entry of judgment was granted. The criminal charge(s) were dismissed under former Penal Code section 1000.3 on (date): . Furthermore (check one),

- a. ☐ court records are available showing the case resolution; **or**
- b. ☐ petitioner declares under penalty of perjury that the charges were dismissed after he or she completed the requirements for deferred entry of judgment. Petitioner (check one)
- (1) ☐ has
- (2) ☐ has not

attached a copy of his or her state summary criminal history information.

8. Petitioner requests that the eligible felony offenses listed above be reduced to misdemeanors under Penal Code section 17(b) and eligible misdemeanor offenses be reduced to infractions under Penal Code section 17(d)(2).
9. Petitioner requests that he or 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 the Penal Code section(s) noted above.

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

Date:



(SIGNATURE OF PETITIONER OR ATTORNEY)

(ADDRESS OF PETITIONER)

(CITY)

(STATE)

(ZIP CODE)





Attorney or Party Without Attorney		State Bar No:	
NAME:			
FIRM NAME:			
STREET ADDRESS:			
CITY, STATE, ZIP:			
TELEPHONE NO.: (     )		FAX NO.: (     )	
E-MAIL ADDRESS			
ATTORNEY FOR (Name)			
DEFENDANT DRIVER'S LICENSE NUMBER:			
THE PEOPLE OF THE STATE OF CALIFORNIA vs. DEFENDANT:		DATE OF BIRTH	
<b>PETITION FOR DISMISSAL</b>			
<b>PENAL CODE SECTION §§ 17(b), 17(d)(2), 1203.4, 1203.4a, 1203.41, 1203.42, 1203.43</b>			
<b>CASE NUMBER:</b>			
<b>COURT DATE</b> (For Court Use Only)		<b>TIME</b>	<b>DEPT.</b>

<b>FOR COURT USE ONLY</b>	
Distribution:	
<input type="checkbox"/> Defendant	<input type="checkbox"/> DMV
<input type="checkbox"/> Attorney	<input type="checkbox"/> File
<input type="checkbox"/> CII #	<input type="checkbox"/> FBI #
<input type="checkbox"/> Probation #	<input type="checkbox"/> SPD #
<input type="checkbox"/> SSO #	

1. ☐ I am the attorney for the above named defendant **or** ☐ I am the defendant in the above entitled action.

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) (Select Yes or No)	Eligible for reduction to infraction under Penal Code 17(d)(2)
			<input type="checkbox"/> Fel <input type="checkbox"/> Mis <input type="checkbox"/> Inf	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No
			<input type="checkbox"/> Fel <input type="checkbox"/> Mis <input type="checkbox"/> Inf	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No
			<input type="checkbox"/> Fel <input type="checkbox"/> Mis <input type="checkbox"/> Inf	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No
			<input type="checkbox"/> Fel <input type="checkbox"/> Mis <input type="checkbox"/> Inf	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No
			<input type="checkbox"/> Fel <input type="checkbox"/> Mis <input type="checkbox"/> Inf	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> 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):

- ☐ has fulfilled the conditions of probation for the entire period thereof;
- ☐ has been discharged from probation prior to the termination of the period thereof;
- ☐ 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 the charge or commission of any crime; and the petitioner (check one):

- ☐ has lived an honest and upright life since pronouncement of judgment and conformed to and obeyed the laws of the land; **or**
- ☐ 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.)

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.

5. ☐ **Felony Conviction sentenced prior to the implementation of the 2011 Realignment Legislation for a crime which he/she would otherwise be eligible for sentencing pursuant to subdivision (h) of Sect. 1170 (*Pen. Code, § 1203.42*).**

- a. ☐ More than two years have elapsed since the completion of the sentence
- b. ☐ Not under supervised release, and not serving a sentence for, or probation for, or charged with the commission of any offense.

6. ☐ **Deferred entry of judgment (*Pen. Code, § 1203.43*)**

Petitioner performed satisfactorily during the period in which deferred entry of judgment was granted. The criminal charge(s) were dismissed under Penal Code section 1000.3 on (date): \_\_\_\_\_. Furthermore (check one):

- a. ☐ court records are available showing the case resolution.
- b. ☐ petitioner declares under penalty of perjury that the charges were dismissed after he or she completed the requirements for deferred entry of judgment. Petitioner (check one)
- ☐ has
- ☐ has not

Attached a copy of his or her state summary criminal history information.

7. ☐ The Petitioner requests that eligible felony offenses listed above be reduced to misdemeanors under Penal Code section 17(b).
8. ☐ The Petitioner requests that eligible misdemeanor offenses be reduced to infraction under Penal Code section 17(d)(2).
9. ☐ 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, ☐ 1203.41, ☐ 1203.42, ☐ 1203.43 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)

### HEARING – FOR COURT USE ONLY

☐ Petition will be submitted on \_\_\_\_\_ at \_\_\_\_\_ ☐ A.M. / ☐ P.M. in Dept. \_\_\_\_\_

(Month / Day / Year) (Time)

☐ The District Attorney has been notified of this hearing. ☐ Probation has been notified of this hearing.



ATTORNEY OR PARTY WITHOUT ATTORNEY: _____ STATE BAR NO.: _____ NAME: _____ FIRM NAME: _____ STREET ADDRESS: _____ CITY: _____ STATE: _____ ZIP CODE: _____ TELEPHONE NO.: _____ FAX NO.: _____ E-MAIL ADDRESS: _____ ATTORNEY FOR (Name): _____	<b>FOR COURT USE ONLY</b>
PEOPLE OF THE STATE OF CALIFORNIA v. DEFENDANT: _____ DATE OF BIRTH: _____	
<b>PETITION FOR DISMISSAL (Military Personnel)</b> <b>(Pen. Code, §§ 17(b), 1170.9(h))</b>	CASE NUMBER: _____
<b>INSTRUCTIONS</b> Before filing this form, petitioner should consult local rules and court staff to schedule the hearing in item 1.	

1. **HEARING INFORMATION:** A hearing on this petition for dismissal has been scheduled as follows:

Date: \_\_\_\_\_ Time: \_\_\_\_\_ Department: \_\_\_\_\_

Location (if different than court address above): \_\_\_\_\_

If an interpreter is needed, please specify language: \_\_\_\_\_

2. On (date): \_\_\_\_\_, the petitioner (the defendant in the above-entitled criminal action) was convicted of a violation of the following offenses:

Code	Section	Type of offense: (Felony or Misdemeanor)	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).

3. **Felony or misdemeanor with probation granted (Pen. Code, § 1170.9(h)):**

Petitioner was granted probation on the terms and conditions set forth in the docket of the above-entitled court. At the time probation was granted, the petitioner was a person described in Penal Code section 1170.9(a) (a member of the United States military suffering from sexual trauma, traumatic brain injury, posttraumatic stress disorder, substance abuse, or mental health problems as a result of his or her service) and the petitioner:

- is in substantial compliance with the conditions of that probation;
- has successfully participated in court-ordered treatment and services to address the sexual trauma, traumatic brain injury, posttraumatic stress disorder, substance abuse, or mental health problems stemming from military service;
- does not represent a danger to the health or safety of others; and
- has demonstrated significant benefit from court-ordered education, treatment, or rehabilitation to clearly show that granting restorative relief would be in the interests of justice.

(Note: You may complete and attach the Attached Declaration (form MC-031) or submit other relevant documents in support of one or more of the above statements.)



PEOPLE OF THE STATE OF CALIFORNIA v. DEFENDANT:

CASE NUMBER:

**4. The petitioner has (check all that apply):**

- a. ☐ participated in education, treatment, and rehabilitation as ordered by the court (indicate the degree of participation and whether it was completed).
- b. ☐ progressed in formal education.
- c. ☐ developed career potential.
- d. ☐ demonstrated leadership and personal responsibility efforts.
- e. ☐ contributed service in support of the community.
- f. ☐ other factors.

(Note: You may complete and attach the Attached Declaration (form MC-031) or submit other relevant documents in support of one or more of the statements checked above to explain why granting a dismissal would be in the interests of justice.)

**5. The petitioner requests that the court order (check all that apply):**

- a. ☐ deem all conditions of probation, other than victim restitution, to be satisfied, including fines, fees, assessments, and programs, and terminate probation prior to the expiration of the term of probation.
- b. ☐ reduce the eligible felony offenses listed above to misdemeanors under Penal Code section 17(b).
- c. ☐ permit the petitioner to withdraw the plea of guilty, or set aside the verdict or finding of guilt and enter a plea of not guilty, and the court dismiss this action and grant relief in accordance with Penal Code section 1203.4, as specified in Penal Code section 1170.9(h)(3)(C).
- d. ☐ seal police records of the arrest and court records of the dismissed action in accordance with Penal Code section 1170.9(h)(4)(D).

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)





**Sacramento Superior Court**, 720 Ninth Street, Sacramento, California 95814

Attorney or Party Without Attorney (Name, Address and Telephone):

**FOR COURT USE ONLY**

Attorney for:

**THE PEOPLE OF THE STATE OF CALIFORNIA**  
**vs.**

**PETITION AND ORDER PURSUANT TO  
PENAL CODE SECTION 1203.3, 17(b)**

Defendant Name

Case Number

Date of Birth

**PETITION**

☐ I am the attorney for the above named defendant ☐ I am the defendant in the above entitled action  
who was convicted on \_\_\_\_\_ of ☐ felony offense(s) ☐ misdemeanor offense(s)  
(Month / Day / Year)  
of the violation section(s) \_\_\_\_\_.

The defendant requests:

- ☐ the charge(s) be reduced to a misdemeanor pursuant to Penal Code 17b.  
☐ probation be terminated pursuant to Penal Code 1203.3. The defendant has fulfilled the condition of Penal Code Section 1203.3.

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

Executed on \_\_\_\_\_ at Sacramento, California  
(Month / Day / Year) (City)

\_\_\_\_\_  
Signature of petitioner

\_\_\_\_\_  
Print name of petitioner

**HEARING – FOR COURT USE ONLY**

☐ Petition will be submitted on \_\_\_\_\_ at \_\_\_\_\_ A.M./P.M. in Department \_\_\_\_\_  
(Month / Day / Year) (Time)

**ORDER – FOR COURT USE ONLY**

- ☐ The court **GRANTS/ DENIES** the petition to terminate probation pursuant to Penal Code 1203.3.  
☐ The court **GRANTS/DENIES** the petition for reduction of a felony to a misdemeanor under Penal Code section 17(b).

Dated: \_\_\_\_\_

\_\_\_\_\_  
Judge of the Superior Court







## Sacramento Superior Court

Penal Code 17(b), 1203.3, 1203.4a, 1203.41, 1203.42 1203.43  
Petition Information and Instruction Sheet

### **Information – Felony/Misdemeanor**

If you were convicted of a misdemeanor or a felony and were not sentenced to state prison and you have completed the terms of your sentence, you may petition for a dismissal pursuant to PC § 1203.4 or 1203.4a. Many criminal offenses can be dismissed from your record.

- If your case was originally charged as a misdemeanor, but reduced to an infraction at the time of conviction, follow the instructions for misdemeanor cases.
- If your case was charged and convicted as an infraction (Traffic Cases) you cannot use this process or file your petition at the Criminal Division of the Court. Please contact the Traffic Division of the Superior Court ([Carol Miller Justice Center](#)).
- If you were sentenced for a crime committed prior to implementation of the 2011 Criminal Justice Realignment legislation, you may petition the court for dismissal or relief as if the crime were sentenced under CA PC 1170(h). The court, in its discretion and in the interests of justice, may order relief if all conditions of PC 1203.42(b) are met.

### **Who is Eligible?**

Anyone who has paid all court ordered fees, fines, and victim restitution and meets the following criteria:

- PC 1203.3 – Probation should be granted relief in the interests of justice.
- PC 1203.4 – All conditions of probation have been completed.
- PC 1203.4a, PC 1203.41 – All terms of sentencing have been completed.
- PC 1203.42 – Effective 1/1/2018 the court may order relief if all conditions of PC 1203.42 are met. [Click here for more information.](#)
- PC 1203.43 - Petitioner performed satisfactorily during the period in which deferred entry of judgment was granted, and can establish that criminal charge(s) were dismissed under PC 1000.3

### **Who is Not Eligible?**

A person is not eligible for a record clearance of this type if any of the following conditions exists:

- The person is serving a sentence for any offense, is still on formal or informal probation for any offense, or is charged with the commission of any offense.
- The person was arrested and convicted of a crime within one year of the pronouncement of judgment.
- Probation for the current application was revoked and not later reinstated.
- The person has failed to appear or failed to pay fines to the Department of Motor Vehicles.,

or to the Department of Revenue Recovery.

- Violation of Sections 2800, 2801, or 2803 of the California Vehicle Code.
- Certain convictions are not eligible for dismissal. This includes any misdemeanor that is within the provisions of VC 42001(b); or any violation of the following: PC 286(c); PC 288; PC 288a(c); PC 288.5; PC 289(j).

## **Penal Code § 1203.4 – Successful Completion of Probation**

After successful completion or early termination of probation, you may petition the court to dismiss the charges under Penal Code §1203.4. To be eligible for consideration pursuant to PC § 1203.4, you must not be:

- Serving a sentence for any offense.
- Be on probation for any offense.
- Be charged with the commission of any offense.
- (You may petition the court for an early termination of probation by filing a Petition for Modification of Sentence. The judge, in the interest of justice, may grant an early termination of probation).

## **Penal Code § 1203.4a, Penal Code § 1203.41 - Not Placed on Probation**

If you were not placed on probation and more than one year has elapsed since the date of pronouncement of judgment, you may petition the court to dismiss the charges under Penal Code §1203.4a. To be eligible for consideration pursuant to PC §1203.4a:

- Did not serve a prison term on this case.
- Must have complied with the court sentence
- Must not now be serving a sentence for any offense or be charged with the commission of any offense.

## **What Will Be The Effect of Having The Petition Granted?**

The most common reason for obtaining relief pursuant to PC1203.4/1203.4a is to allow the previously-convicted person to state on non-governmental employment applications that they have not been convicted of a felony. However, the record of conviction continues to exist and continues to have certain effects. A clearance of this type does not eliminate all possible adverse consequences or release a person from all “penalties and disabilities” resulting from the charges in the case:

- Information relating to the case may be available to others when the release of such information is authorized by law.
- A dismissal pursuant to PC 1203.4/1203.4a does **not** relieve you from 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, but allows you to indicate "no" on most employment applications that ask whether you have been convicted of a crime.

- A dismissal pursuant to PC 1203.4/1203.4a will **not** keep the conviction from being used against a person as a prior conviction in any future criminal proceedings, such as for enhancing a prison sentence.
- A dismissal pursuant to PC 1203.4/1203.4a will **not** avoid suspension of one's driving privilege as set forth in Section 13555 of the Vehicle Code. Granting of the Petition does **not** affect Department of Motor Vehicles (DMV) actions or future consequences for crimes involving operation of a motor vehicle.
- A dismissal pursuant to PC 1203.4/1203.4a will **not** permit the person convicted to own, possess, or have in their custody or control a firearm, and will not prevent a person from being convicted under Section 12021 of the Penal Code (person prohibited from possessing a firearm) in the future.
- Granting of the Petition does **not** relieve you from any obligation to register under Penal Code §290.
- ***Granting of the Petition does not seal your record, destroy or remove any entries from the court, law enforcement, Department of Justice or DMV. The case, including the conviction will remain public record.***

## **Filing Requirements**

At the time of filing the petition, you must provide the Court with:

- An original Petition (Form No. CR-9), if applicable, and five (5) copies of each. The CR-9 is only used for 1203.3/17PC requests **or** for 1203.4 PC requests *if the case is still on probation*.
- An original Petition for Dismissal (Form No. CR-180) and five (5) copies of each
- An original Order for Dismissal (Form No. CR-181) and five (5) copies of each.

Distribution of the copies is as follows:

- Original for the Court
- One copy for Probation
- One copy for the District Attorney
- One copy for petitioner/filer
- One copy for petitioner with a ***self addressed stamped envelope\**** for return by U.S. mail
- One copy for file
- **All documents must be two-hole punched at the top.**

The Court will forward the copies of documents to the appropriate agencies.



***\*To receive a copy of the petition by U.S. Mail after it has been ruled upon, you must submit a self-addressed stamped envelope. Failure to do so will equate to a \$25 certification charge plus a copy fee of \$.50 per page if a copy is requested at a later date.***

## **Is There a Filing Fee?**

There is no filing fee. However, the Court will impose a non-refundable administrative processing cost whether or not the petition is granted and the records are sealed or expunged. The Court has determined the rate of reimbursement for administrative costs per petition as follows:

- If no probation was given at the time of your sentence, the reimbursement cost is \$60.00.
- If a probation, parole, or state prison term was given at the time of your sentence, the reimbursement cost is \$120.00.
- There is no reimbursement cost when filing a PC 17(B) or a PC 1203.3 petition only.

If you believe you do not have the ability to pay the reimbursement cost associated with your petition, you may complete and submit a "Sacramento Court Financial Declaration" form. This form will be provided to you at the time your petition is filed. If you mailed your petition to the court, we will send you a Financial Declaration upon receipt of the mailing. Your ability to pay will be determined by a judge, based on the information you provide.

After your petition is filed and court date set, you will have 10 court days to either pay the administrative processing cost, or submit the Financial Declaration form to the Court for determination of ability to pay.

## **Is My Appearance Necessary?**

Your appearance at the hearing depends on the type of hearing:

- **For misdemeanor cases only, no appearance is necessary.** These hearings are conducted ex parte with a "Rule By Date" on or before ninety (90) days from date of filing.
- **For felony cases, you must appear.** The hearing will be on a date ninety (90) days from the date of filing.
- If filing both felony and misdemeanor cases simultaneously, all cases follow the felony path.

## **Upon Granting the Petition, the Court Will Order That:**

- The conviction be set aside;
- A plea of not guilty be entered; and
- The case be dismissed pursuant to the applicable Penal Code (1203.4, 1203.4a, 1203.41, 1203.42, or 1203.43 ).

## **Checking the Status of Your Petition**

You may Check the Status of Your Petition on the web seven (7) court days after the "Rule By Date" noted on the petition (or the Hearing Date for felony cases).

- If your petition is denied, you may refer to the Local Rules of Court to obtain information about how to request a hearing.
- If you provided a self-addressed stamped envelope at the time the petition was filed, a copy will be mailed to you within seven (7) court days of the court's decision.

## **Forms**

You may obtain forms at the end of this document. Other General Judicial Council forms are available on the web at <http://www.courts.ca.gov/forms.htm>

For Department of Justice Information, contact the Records Review section at (916) 227-3849 or on the web at <http://ag.ca.gov/fingerprints/>.







Superior Court of California, County of Sacramento  
Petition for Re-designation of Sentence (Proposition 47)

Case Number:				<i>For Court Use Only</i>	
Attorney Name or Defendant Name without attorney:					
Address:					
City, State, Zip:					
Telephone Number:		Fax Number (Optional):			
Email Address (Optional):					
People of the State of California vs. Defendant:				Case Number:	
Date of Birth:		Cross Reference Number:		Court Date:	
Last four digits of SSN:		Driver's License Number:		Court Time:	
CII Number:		CDC Number:		Court Dept.:	

1. On \_\_\_\_\_, the defendant in the above entitled criminal case was convicted of  
(date)  
violation section \_\_\_\_\_ of the \_\_\_\_\_ code. \*\*

\*\* Describe details of theft charges here

2. ☐ I qualify for re-designation of this matter as a misdemeanor as there are no disqualifiers present under Penal Code section 1170.18(b)(1)-(3) and (i).
3. ☐ Because my application satisfies the criteria, I request that my felony offense be re-designated a misdemeanor. (Penal Code, § 1170.18 (f)-(g). )
4. Custody status on this case
- ☐ Currently in custody in Sacramento County Main Jail / Rio Cosumnes Correctional Center.
- ☐ Currently in custody in State Prison
- ☐ Currently in custody in other location: \_\_\_\_\_.
- ☐ Currently on (Post Release Community Supervision (PRCS) or Parole until \_\_\_\_\_.
- ☐ I am not currently in custody on this case.
5. I request the following (check all that are applicable):
- ☐ a. To have credit for time served applied to the re-designated charge.
- ☐ b. To be terminated from Parole / Post Release Community Supervision / Mandatory Supervision.
- ☐ c. To be placed on Informal Probation or ☐ My Probation be terminated.
- ☐ d. To waive my personal appearance.
- ☐ e. To request the Public Defender be appointed to me pursuant to standing order number SSC-18-4.
- ☐ f. To agree to have a Judge designated by the Presiding Judge of this Court hear this matter.

Executed on: \_\_\_\_\_  
(Date)

► \_\_\_\_\_  
(Signature of Petitioner or Attorney)





# Sacramento Superior Court, Petition for Re-designation of Sentence (Proposition 64)

People of the State of California vs. Defendant:				<i>For Court Use Only</i>			
Case Number:							
Attorney Name & Bar No.:							
Address:							
City, State, Zip:							
Telephone Number:	( )	Cell Phone Number	( )				
Email Address							
Date of Birth:		Age at Time of Offense:		Cross Reference Number:		Last four digits of SSN:	
Driver's License Number:				CII Number: (If known)		CDC Number:	

1. On \_\_\_\_\_, the defendant in the above entitled criminal case was convicted of violation section(s) \_\_\_\_\_ (date)
- ☐ 11357    ☐ 11358    ☐ 11359    ☐ 11360    of the Health and Safety code.\*\*
- ☐ This crime did not involve persons less than 21 years of age.    ☐ Crime(s) did not involve use/ingestion in a vehicle.

\*\* Describe the details of the charges in the box below. (check all that apply):

- ☐ Less than 28.5 grams of marijuana.    ☐ Less than 8 grams of concentrated cannabis.
- ☐ Less than 4 grams of concentrated cannabis.    ☐ Less than 6 plants

Details of offenses(s)

2. ☐ I qualify for re-designation of this matter as as there are no disqualifiers present under Health and Safety Code 11361.8(b).
3. ☐ I qualify for recall and resentencing.
4. ☐ I qualify for dismissal and sealing.
5. Custody status on this case
- ☐ Currently in custody in Sacramento County Main Jail / Rio Cosumnes Correctional Center.
- ☐ Currently in custody in State Prison
- ☐ Currently in custody in other location: \_\_\_\_\_.
- ☐ Currently on Post Release Community Supervision on these charges until \_\_\_\_\_.
- ☐ I am not currently in custody on this case.
6. I request (check all that apply):
- a. ☐ To have my charge(s) re-designated.    e. ☐ To be terminated from Probation
- b. ☐ To have my charge(s) dismissed and sealed.    f. ☐ To waive my personal appearance.
- c. ☐ To have credit for time served applied to the re-designated charge.    g. ☐ To request the Public Defender be appointed to me pursuant to standing order number SSC-16-4.
- e. ☐ To be terminated from Parole / Post Release Community Supervision / Mandatory Supervision.    h. ☐ To agree to have a Judge designated by the Presiding Judge of this Court hear this matter.

Executed on: \_\_\_\_\_  
(Date)

► \_\_\_\_\_  
(Signature of Petitioner or Attorney)