Superior Court of California
County of San Luis Obispo
www.slo.courts.ca.gov

PETITION FOR DISMISSAL OF MISDEMEANOR AND INFRACTION CASES
General Overview of Process

1	DETERMINE IF YOU ARE ELIGIBLE	The Self-Help Center can help if the misdemeanor or infraction conviction gave you jail time or probation, not prison or parole. If you have a felony conviction or are still on probation, our Self-Help Center office cannot help, however you may be eligible for a reduction in your charge or early termination of probation. Contact the Criminal Department in Room 220 for more information.	You must: • Not be serving a sentence • Not be on probation or parole (for any conviction) • Not be charged with a crime currently • Have paid all court fines and fees on this case
2	INFORMATION NEEDED TO COMPLETE FORMS	Information needed: • Court where you were convicted • Name you were convicted under • Case number • Code section and code violation • Conviction date • Whether you had probation	How do I get this information? • Request your "docket" from the court where the conviction occurred. • If you do not know where you were convicted, you will need to do a "Live Scan" to obtain your Rap Sheet. A Rap Sheet lists all convictions in California.
3	REQUESTING CASE INFORMATION	**Requesting from San Luis Obispo Superior Court:** Fill out the Request for Criminal Case Information form located on the courts website at https://www.slo.courts.ca.gov/sh/selfhelp-criminallaw-inforequest.htm, click on the Request for Criminal Case Information form. OR Email the Criminal Department at SLOCrim@slo.courts.ca.gov with your name and date of birth. Make sure to state on the request that you are requesting your case information for a Petition to Dismiss. **Live Scan:** Locate a company in your area that conducts Live Scans. This will require you to go into the facility you choose and complete a fingerprint scan. You will then receive a Rap Sheet which is a printout of all cases and/or convictions within California.	
4	COMPLETE FORMS	• CR-180 Petition for Dismissal • CR-181 Order for Dismissal • ECS-1 Electronic Consent Form or a self-addressed stamped envelope	

5	FILE DOCUMENTS WITH THE COURT	Filing Options: • Mail to or use the drop box at: 1050 Monterey Street, Room 220, San Luis Obispo, CA 93408 • eFile at https://www.slo.courts.ca.gov/os/efiling.htm The Court will give a copy to the District Attorney and the Probation Department if necessary. If a response is received from the District Attorney's Office or the Probation Department, the clerk will give their response and your petition to the judge for review. If no response is received, and thirty days have passed, the clerk will give your petition to the judge for review.
6	**THREE POSSIBLE OUTCOMES OF THE PETITION**	
GRANTED		If the petition is granted, your case information will be updated with the Court and the Department of Justice. No other action is needed. You will receive a signed certified copy of the court order by email or mail.
DENIED		When a petition is denied, the judge will generally write a reason for the denial on the court order. You will receive a signed certified copy of the court order by email or mail. Review the reason for the denial and contact the Clerk's Office for more information. You have the option to refile the petition or to file an appeal within 60 days.
DEMAND FOR MORE INFORMATION		The judge may request additional information before making a decision. You will receive a letter requesting additional information. This could include a request for proof of completion of a substance abuse class or proof that a fine was paid. You have 30 days to respond to the letter and provide the requested information. If you are unable to give the judge the information that was requested, then you may write a detailed declaration and give the judge the reasons you are unable to show proof. If the requested information is not received by the court within 30 days, the petition will be denied. If the information requested is provided, the petition will be given to the judge for review. You will receive a signed certified copy of the court order by email or mail.

WHERE TO GET FORMS:

Internet: For free, you can log onto www.courts.ca.gov and click on "Forms & Rules" and then click on"Find Your Court Forms" and type in the form number CR-180 Petition for Dismissal and CR-181 Order for Dismissal. The ECS-1 Electronic Consent Form is found on the San Luis Obispo Superior Court website at https://www.slo.courts.ca.gov/forms-filing/local-forms.

Petition for Dismissal Penal Code Section 1203.4

What can a Petition to Dismiss do for you?

Allow you to answer "**no**" if a potential employer asks if you have ever been convicted of a crime unless it is for government employment or a government licensing board. Under most circumstances, private employers cannot ask you about any convictions dismissed under Penal Code section 1203.4. So, when applying for a job in the private sector, you generally do not have to disclose a conviction if it was dismissed or expunged. But it is a good idea to read Penal Code section 1203.4, or California Code ofRegulations section 11017.1, or to contact an attorney if you have questions about your rights and obligations regarding past convictions when applying for a job.

The granting of the dismissal will **not**:

1. Allow you to omit the conviction from a questionnaire or application for; public office, for licensure by any state or local agency, government employment, or for contracting with the California State Lottery Commission. If applying for or filling out a questionnaire for any of the above items and you are asked if you have ever been convicted of a crime, you MUST respond with "**YES—CONVICTION DISMISSED**."

2. Remove the conviction from your "Rap Sheet" - California and FBI criminal historyrecords will still show the conviction and the Penal Code 1203.4 dismissal.

3. Destroy, wipe out, strike, seal or otherwise remove the court case file from public inspection.

4. Allow you to possess a firearm if you have been denied such a right due to theconviction.

5. Prevent the conviction from being used by INS for removal and exclusion purposes.

6. Remove the requirement to register as a sex offender per PC290.

7. Allow you to hold public office. If your conviction prohibited you from holding public office, you still cannot hold public office after that conviction is dismissed.

8. Prevent the conviction from being used as a "prior" or "strike prior" to increase punishment on a subsequent conviction.

9. Reinstate you're driving privileges.

ATTORNEY OR PARTY WITHOUT ATTORNEY: STATE BAR NO.:
NAME: **Pat Sample**
FIRM NAME:
STREET ADDRESS: **1234 Main Street**
CITY: **San Luis Obispo** STATE: **CA** ZIP CODE: **93401**
TELEPHONE NO.: **(805) 555-1234** FAX NO.:
E-MAIL ADDRESS: **PatSample@emailaddress.com**
ATTORNEY FOR *(name)*: **Defendant in Pro Per**

FOR COURT USE ONLY

PEOPLE OF THE STATE OF CALIFORNIA
v.
DEFENDANT: **Pat Sample** DATE OF BIRTH: **01/01/1990**

CASE NUMBER:
16M-00001

PETITION FOR DISMISSAL

(Pen. Code, §§ 17(b), 17(d)(2), 1203.4, 1203.4a, 1203.41, 1203.42, 1203.43, 1203.49)

FOR COURT USE ONLY

DATE:
TIME:
DEPARTMENT:

1. On *(date):* **01/01/2019** , 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)*
VC	**23152**	**Misdemeanor**		

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, 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 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.)*

I sucessfully completed a substance abuse class on 3/4/17. Attached is a copy of the certificate of completion of the substance abuse class. In addition, I have remained sober for the last 5 years and have not been convicted of any other crimes.

Form Approved for Optional Use
Judicial Council of California
CR-180 [Rev. January 1, 2019]

Penal Code, §§ 17(b), 17(d)(2), 1203.4, 1203.4a, 1203.41, 1203.42, 1203.43 and 1203.49
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PEOPLE OF THE STATE OF CALIFORNIA v. DEFENDANT: **Pat Sample**	CASE NUMBER: **16M-00001**

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.)

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PEOPLE OF THE STATE OF CALIFORNIA v. DEFENDANT: **Pat Sample**	CASE NUMBER: **16M-00001**

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: **09/13/2019**

▶ *Pat Sample*

(SIGNATURE OF PETITIONER OR ATTORNEY)

1234 Main Street **San Luis Obispo, CA 93401**

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

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ATTORNEY OR PARTY WITHOUT ATTORNEY: STATE BAR NO.:	*FOR COURT USE ONLY*
NAME: **Pat Sample** FIRM NAME: STREET ADDRESS: **1234 Main Street** CITY: **San Luis Obispo** STATE: **CA** ZIP CODE: **93401** TELEPHONE NO.: **(805) 555-1234** FAX NO.: E-MAIL ADDRESS: **PatSample@emailaddress.com** ATTORNEY FOR *(name)*: **Defendant in Pro Per**	
PEOPLE OF THE STATE OF CALIFORNIA v. DEFENDANT: **Pat Sample** DATE OF BIRTH: **01/01/1990**	
ORDER FOR DISMISSAL **(Pen. Code, §§ 17(b), 17(d)(2), 1203.4, 1203.4a, 1203.41, 1203.42, 1203.43, 1203.49)**	CASE NUMBER: **16M-00001**

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 (maximum punishment of 364 days per Pen. Code, § 18.5) under Penal Code section 17(b) and/or for reduction of a misdemeanor to an infraction under Penal Code section 17(d)(2) and reduces
   a. ☐ ALL FELONY CONVICTIONS in the above-entitled action.
   b. ☐ ALL MISDEMEANOR CONVICTIONS in the above-entitled action.
   c. ☐ Only the following 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) and/or for reduction of a misdemeanor to an infraction under Penal Code section 17(d)(2) for
   a. ☐ ALL FELONY CONVICTIONS in the above-entitled action.
   b. ☐ ALL MISDEMEANOR CONVICTIONS in the above-entitled action.
   c. ☐ only the following 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 *(check all that apply)*
   ☐ § 1203.4 ☐ § 1203.4a ☐ § 1203.41 ☐ § 1203.42 ☐ § 1203.43 ☐ § 1203.49

   and it is ordered that the pleas of guilty or nolo contendere or verdicts or findings of guilt be set aside and vacated and a plea of not guilty be entered and that the complaint or information be, and is hereby, dismissed for *(check one)*
   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):*

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Judicial Council of California
CR-181 [Rev. January 1, 2019]

ORDER FOR DISMISSAL

Penal Code, §§ 17(b), 17(d)(2), 1203.4, 1203.4a, 1203.41, 1203.42, 1203.43, and 1203.49
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PEOPLE OF THE STATE OF CALIFORNIA v DEFENDANT: **Pat Sample**	CASE NUMBER: **16M-00001**

4. The court **DENIES** the petition for dismissal under Penal Code *(check all that apply)*
   ☐ § 1203.4 ☐ § 1203.4a ☐ § 1203.41 ☐ § 1203.42 ☐ § 1203.43 ☐ § 1203.49 for *(check one)*
   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 judgment in the above-entitled action *(specify charges and date of conviction or plea for deferred entry of judgment):*

5. 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 he or she committed the crime. The court orders *(check one)*
   a. ☐ the relief described in section 1203.4.
   b. ☐ the relief described in section 1203.4, with the following exceptions *(specify):*

6. If the order is granted under the provisions of Penal Code section 1203.49, the Department of Justice is hereby notified that petitioner was a victim of human trafficking when he or she committed the crime, and of the relief ordered.

7. 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 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.)

8. If the 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 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.

9. In addition, as required by Penal Code section 299(f), relief under Penal Code sections 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 296(a).

10. The basis for an order of dismissal granted under the provisions of Penal Code section 1203.43 is the invalidity of defendant'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.

FOR COURT USE ONLY

Date:

_____
(JUDICIAL OFFICER)

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SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN LUIS OBISPO ☑ 1035 Palm Street, San Luis Obispo, CA 93408 ☐ 901 Park Street, Paso Robles, CA 93446	For Court Use Only
Plaintiff/Petitioner: People of the State of California	
Defendant/Respondent: Pat Sample	
ELECTRONIC CONSENT FORM	Case Number: 16M-00001

Instructions:

1) Complete this form.
2) You can file this document electronically, send it by mail or place in one of the drop boxes located at the Monterey and Palm Street entrances, at the San Luis Obispo County Courthouse in San Luis Obispo.

I agree to receive conformed copies of my document(s), and receive notice of future hearing dates, electronically in the above entitled matter Purs. CCP §1010.6.

I authorize San Luis Obispo Superior Court to return my conformed copies of filed documents, and send notice of future hearing dates, to the email listed below.

Email Address: patsample@emailaddress.com

Date: 9/13/19

Pat Sample

Signature

Pat Sample

Printed Name