

Attorney or Party Without Attorney State Bar No:

ATTORNEY NAME:
 FIRM NAME:
 STREET ADDRESS:
 CITY, STATE, ZIP:
 TELEPHONE NO.: () FAX NO.: ()
 E-MAIL ADDRESS:
 ATTORNEY FOR (Def. Name):
 CASE NUMBER:
 DEFENDANT DRIVER'S LICENSE NUMBER:

FOR COURT USE ONLY

Distribution:
 Defendant DMV
 Attorney File
 CII # FBI #
 Probation # SPD #
 SSO #

THE PEOPLE OF THE STATE OF CALIFORNIA vs. DEFENDANT: DATE OF BIRTH

PETITION FOR DISMISSAL
PENAL CODE SECTION §§ 17(b), 17(d)(2), 1203.4, 1203.4a, 1203.41

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)

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 the charge or 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.*)

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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.

The Petitioner requests:

- that the eligible felony offenses listed above be reduced to misdemeanors under Penal code section 17(b).
- that probation be terminated pursuant to Penal Code 1203.3. The defendant has fulfilled the condition of Penal Code Section 1203.3
- 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)

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.



<u>Attorney or Party Without Attorney</u>	State Bar No:	<i>FOR COURT USE ONLY</i>
NAME:		
FIRM NAME:		
STREET ADDRESS:		
CITY:		
TELEPHONE NO.: ()	FAX NO.: ()	
E-MAIL ADDRESS		
ATTORNEY FOR (<i>Name</i>)		
THE PEOPLE OF THE STATE OF CALIFORNIA		DATE OF BIRTH
vs.		
DEFENDANT:		
ORDER FOR DISMISSAL		CASE NUMBER
PENAL CODE SECTION §§ 17(b), 17(d)(2), 1203.4, 1203.4a, 1203.41		

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 the following convictions:
 - ALL FELONY CONVICTIONS in the above-entitled action;
 - ALL MISDEMEANOR CONVICTIONS in the above-entitled action: **OR**;
 - 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 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:
 - ALL FELONY CONVICTIONS in the above-entitled action;
 - ALL MISDEMEANOR CONVICTIONS in the above-entitled action: **OR**;
 - 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 1203.4, 1203.4a, or 1203.41, and it is ordered that 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*):

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4. The court **DENIES** the petition for dismissal regarding the following convictions under Penal Code 1203.4, 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:
- 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.
 - 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)
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 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), 17(d)(2), 1203.4, 1203.4a, 1203.41 does *not* release petitioner from the 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 reason of insanity, or pled no contest to a qualifying offense as defined in Penal Code section 296(a).

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(DATE)

(JUDICIAL OFFICER)