

PETITION FOR DISMISSAL

THE LAW DOES NOT ALLOW PERSONNEL OF THE OFFICE OF THE CLERK OF THE SUPERIOR COURT TO ASSIST IN THE SELECTION OR PREPARATION OF ANY FORMS OR TO ADVISE YOU AS TO ANY PROCEDURE TO BE FOLLOWED IN OBTAINING A JUDGMENT

Attached is information on options for resolving disputes without going to trial.

Form #	Title	Number of Copies
CR-180-INFO	Petition for Dismissal – Information and Instruction Sheet	1
CR-180	Petition for Dismissal	1
CR-181	Order for Dismissal	1
SCR-182	Financial Declaration – Confidential	1
SCR-182S	Financial Declaration – Confidential Spanish	1
SCR-181	Proof of Service – Petition for Relief	1

ALL FORMS MUST BE TYPED OR LEGIBLY PRINTED IN BLACK INK AND SIGNED.

Complete all forms in their entirety, i.e., all boxes checked as applicable; attachments attached, if applicable; and “NONE”, “NOT APPLICABLE”, or “UNKNOWN” typed in if required.



SUPERIOR COURT OF CALIFORNIA, COUNTY OF MONTEREY
Petition for Dismissal
Information and Instruction Sheet
Penal Code § 1203.4 or 1203.4a

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. Certain convictions are not eligible for dismissal: 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) (PC § 1203.4(b) and (c)). The court charges a nonrefundable processing fee for all petitions filed, whether or not the petition is granted (PC § 1203.4(d) and 1203.4a(c)).

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 or any offense, or 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 - 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 and you did not serve a prison term, you may petition the court to dismiss the charges under Penal Code §1203.4a. To be eligible for consideration pursuant to PC §1203.4a, you must have complied with the court sentence and you must not now be serving a sentence for any offense or be charged with the commission of any offense.

Some of the Continuing Liabilities After the Petition Is Granted

- **Disclosure** – Granting of the Petition 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.
- **DMV** – Granting of the Petition does not affect Department of Motor Vehicles (DMV) actions or future consequences for crimes involving operation of a motor vehicle.
- **Firearms** – Granting of the Petition does not permit you to own, possess, or have in your custody or control any firearm.
- **Sex Registration** - Granting of the Petition does not relieve you from any obligation to register under Penal Code §290.
- **Sealing** – 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.

Processing Fee*:

The court may charge a non-refundable, administrative processing fee of \$150.00 for petitions filed pursuant to Penal Code § 1203.4(a) (probation completed) and \$60.00 for petitions filed pursuant to Penal Code § 1203.4a (not placed on probation). *If you do not have the ability to pay the fee, you must file an SCR-182 Financial Declaration with the CR-180 Petition for Dismissal and the Court will make a determination of your ability to reimburse all or a portion of the cost. Such order will have the same force and effect as a judgment in a civil action and will be subject to execution.

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 or §1203.4a).

This INFORMATION is for general use and is not intended as a complete statement of the laws and rules relating to relief granted under Penal Code §1203.4 and 1203.4a. For further information, you may refer to Penal Code §1203.4 and §1203.4a or you may wish to seek legal assistance.

Instructions:

- Step 1: Complete the CR-180 Petition for Dismissal and the SCR-181 Proof of Service form.** (Incomplete forms will not be processed and will be returned for correction.) You will need the original and two copies: (1) Original - Court; (1) Copy - District/City Attorney; (1) Copy – your file.
- Step 2: Serve a Completed Copy of the Petition for Dismissal and Proof of Service form** to the District /City Attorney. You may not serve the papers, so find a friend, acquaintance or a professional process server (look in the yellow pages under “process servers”) to serve the papers for you.
- Step 3: File with the Clerk’s Office the Original Petition for Dismissal and Proof of Service forms.** (Refer to Step 2.)
- Step 4: Pay a non-refundable processing fee of \$150.00** for a Petition filed pursuant to Penal Code §1203.4 (probation completed) or \$60.00 for a Petition filed pursuant to Penal Code §1203.4a (not placed on probation.)

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: _____

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

Offense <i>(Specify each offense in the case noted above.)</i>	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:
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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.)*

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)

U _____
 (SIGNATURE OF PETITIONER OR ATTORNEY)

 (ADDRESS, PETITIONER)

 (CITY) (STATE) (ZIP CODE)

For your protection and privacy, please press the Clear This Form button after you have printed the form.

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, § 290.5.)
 - 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.

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).

FOR COURT USE ONLY

Date:

(JUDICIAL OFFICER)

ATTORNEY OR PARTY WITHOUT ATTORNEY NAME: _____ STATE BAR NO: _____ FIRM NAME: _____ ADDRESS: _____ CITY: _____ STATE: _____ ZIP CODE: _____ TELEPHONE NO: _____ FAX NO. (OPTIONAL): _____	
SUPERIOR COURT OF CALIFORNIA, COUNTY OF MONTEREY Salinas Division — 240 Church Street, Salinas, California 93901	
THE PEOPLE OF THE STATE OF CALIFORNIA VS. DEFENDANT/RESPONDENT: _____	CASE NUMBER: _____
<p style="text-align: center;">FINANCIAL DECLARATION - CONFIDENTIAL</p> <input type="radio"/> Petition for Dismissal PC 1203.4 – Probation completed <input type="radio"/> Petition for Dismissal PC 1203.4a – Not placed on probation	PETITION FEE \$: _____

1. Defendant's Name: _____ Other Names: _____
 Address: _____
 Date of Birth: _____ Home Phone: _____ Driver's License Number: _____
 Social Security Number: _____ Married: (YES NO) Spouse Name: _____

2. Defendant's Present Employer: _____
 Employer's Address: _____
 Gross pay per month: \$ _____ Spouse's Gross pay per month: \$ _____

3. Family Bank Accounts: _____ Amount(s): \$ _____
 Available Cash: \$ _____ Spouse's Cash Assets: \$ _____

4. Own Real Estate (YES NO) Address: _____
 Value(s): \$ _____
 Autos (Year, Make, Model) _____

5. Dependents:

Name	Address	Relationship	Age

6. **COMPLETE EACH LINE -This Financial Declaration will be used to determine your ability to pay a portion or all of fees. The Court will order you to pay all or part of such fees it determines you are able to pay. Such an order will have the same force and effect as a judgment in a civil action and will be subject to execution.**

7. I declare under penalty of perjury that the foregoing is true and correct and I understand the notice contained in item 6 above and that this declaration was executed on:

Date _____ at (County) _____, California

 Defendant's Signature

FOR COURT USE ONLY:

ORDER: Request for waiver of fees:
 Granted Denied Partial amount ordered Set for hearing on _____
 The defendant is ordered to pay fees in the amount of \$ _____ by _____
(Indicate total or partial amount)

Date: _____

 Judge of the Superior Court

ABOGADO: NOMBRE: _____ ABOGADOS DEL ESTADO NO: _____ EMPRESA: _____ DIRECCIÓN: _____ CIUDAD: _____ ESTADO: _____ CÓDIGO POSTAL: _____ TELÉFONO NO: _____ FAX NO. (OPCIONAL): _____	Para uso de la Corte Solamente	
CORTE SUPERIOR DE CALIFORNIA, CONDADO DE MONTEREY Salinas División — 240 Church Street, Salinas, California 93901		
EL PUEBLO DEL ESTADO DE CALIFORNIA VS. ACUSADO/DEMANDADO: _____	NÚMERO DEL CASO: _____	
DECLARACIÓN FINANCIERA - CONFIDENCIAL <input type="radio"/> Petición de Desestimación PC 1203.4 – Libertad Condicional Completa <input type="radio"/> Petición de Desestimación PC 1203.4a – No fue puesto en Libertad Condicional		COSTO DE LA PETICIÓN: _____

1. Nombre del Demandado: _____ Otros Nombres: _____
 Domicilio: _____
 Fecha de Nacimiento: _____ Teléfono No.: _____ Licencia de Conducir: _____
 Seguro Social No.: _____ Casado: (Sí No) Nombre del Cónyuge: _____

2. Empleador actual del demandado: _____
 Dirección del Empleador: _____
 Sueldo Bruto al Mes: \$ _____ Sueldo Bruto del Cónyuge al Mes: \$ _____

3. Cuentas Bancarias de la Familia: _____ cantidad(es): \$ _____
 Efectivo disponible: \$ _____ Efectivo Activos del Cónyuge: \$ _____

4. Poseer Bienes Raíces (Sí No) Dirección: _____
 Dirección: _____ Valor(es): \$ _____
 Autos (Año, Marca, Modelo) _____

5. Dependientes:

Nombre	Dirección	Relación	Edad

6. **COMPLETE CADA LINEA – Esta Declaración Financiera será usada para determinar su habilidad para pagar el costo parcial o total. La Corte determinará si usted es capaz de pagar los gastos y le ordenará pagar una parte o el total de los gastos. Esa orden tendrá la misma fuerza y efecto que un fallo civil y quedará sujeto a su ejecución.**

7. Declaro bajo pena de perjurio que lo antedicho es verdadero y correcto y que entiendo el aviso contenido en el número 6 y que ésta declaración fue ejecutada:

Fecha _____ at (Condado) _____, California

Firma del Demandado

PARA USO DE LA CORTE SOLAMENTE:

ORDEN: Solicitud para suspensión de costos:

Concedido Denegado Cantidad Parcial Ordenó Programado audiencia _____

Se ordena al demandado pagar costos en la cantidad de \$ _____ Antes de _____

(Indique la cantidad total o parcial)

Fecha: _____

Juez de la Corte Superior

ATTORNEY OR PARTY WITHOUT ATTORNEY NAME: _____ STATE BAR NO: _____ FIRM NAME: _____ ADDRESS: _____ CITY: _____ STATE: _____ ZIP CODE: _____ TELEPHONE NO: _____ FAX NO. (OPTIONAL): _____	
SUPERIOR COURT OF CALIFORNIA, COUNTY OF MONTEREY Salinas Division — 240 Church Street, Salinas, California 93901	
THE PEOPLE OF THE STATE OF CALIFORNIA VS. DEFENDANT/RESPONDENT: _____	
PROOF OF SERVICE - PETITION FOR RELIEF PURSUANT PC1203.4, PC1203.4A <input type="radio"/> Personal Service <input type="radio"/> Service By Mail	CASE NUMBER: _____

Directions: A copy of the Petition for Dismissal must be served upon the District Attorney or City Attorney who prosecuted your case. Mail or serve a complete copy of each page of the Petition for Dismissal with the Proof of Service to the District Attorney or City Attorney who prosecuted the case. When the petition has been served, the original may then be filed with the court.

1. Person serving. I am over the age of 18 and not a party to this action.

Name: _____
 Address: _____
 Telephone: _____

2. I served a copy of the Petition for Relief under Penal Code §1203.4/1203.4a as follows (check either a or b below):

a. Personal Service: I personally delivered the Petition for Relief under Penal Code §1203.4/1203.4a to the person at the address listed below:

- (1) Name of person served: _____
- (2) Address where served: _____
- (3) Date served: _____
- (4) Time served: _____

b. Service by Mail: I deposited the Petition for Relief under Penal Code §1203.4/1203.4a in the United States mail, in a sealed envelope with postage fully prepaid. The envelope was addressed as follows:

- (1) Name of person served: _____
- (2) Address: _____
- (3) Date of Mailing: _____
- (4) Place of Mailing (city and state): _____

3. I declare under penalty of perjury that the foregoing is true and correct and that this declaration was executed on:

Date _____ at (County) _____, California

 Declarant's Signature