

Expungement Walkthrough

Sacramento Superior Court
Civil Self-Help Services
813 6th St, Rm 117
Sacramento, CA 95814
(916) 874- 1421
civilselfhelp@saccourt.ca.gov

CR-9, Petition/Order Re: PC 1203.3; 17(b)

Complete this section with your information

Your Name

Date of Conviction

Mark 17b to reduce felony to a misdemeanor.

Mark 1203.3 to terminate probation.

<u>Attorney or Party Without Attorney (Name, Address and Telephone):</u> _____ _____ _____		FOR COURT USE ONLY	
Attorney for: _____			
THE PEOPLE OF THE STATE OF CALIFORNIA vs. _____ Defendant Name		PETITION AND ORDER PURSUANT TO PENAL CODE SECTION 1203.3, 17(b)	
		Case Number _____	Date of Birth _____
PETITION			
<input type="checkbox"/> I am the attorney for the above named defendant <input checked="" type="checkbox"/> I am the defendant in the above entitled action			
who was convicted on _____ of <input type="checkbox"/> felony offense(s) <input type="checkbox"/> misdemeanor offense(s) (Month / Day / Year)			
of the violation section(s) _____			
The defendant requests:			
<input type="checkbox"/> the charge(s) be reduced to a misdemeanor pursuant to Penal Code 17b.			
<input type="checkbox"/> 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)			
Printing Instructions: Print one (1) Original and five (5) copies of this form.			
Print Form	Signature of petitioner _____	Print name of petitioner _____	Clear Form

Case number for conviction.

Your date of birth.

Mark "I am the defendant..."

Mark whether felony, misdemeanor, or both.

Code section(s) you were convicted of.

Date, sign, and print name.

CR-180, Petition for dismissal

Complete this section with your information

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

Case number of charges you want dismissed.

Your Date of Birth

CR-180, Petition for Dismissal

Only list the offenses you were convicted of!

Date of conviction

Can offense be reduced to misdemeanor?

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"/> 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"/> 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"/> 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"/> 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"/> Yes <input type="checkbox"/> No	

Write out the offense

Code, eg. Penal Code- PC; Vehicle Code- VC

Section of code that you were convicted of.

Level of offense.

Can offense be reduced to infraction?

CR-180, Petition for Dismissal

Mark this box if you were sentenced with probation.

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.*)

- a. Mark if you completed all the conditions of your probation, for the entire term (eg. Sentenced to 3 years, served all 3 years.)
- b. Mark if probation was discharged (ended) early.
- c. Mark if you are still on probation and you are asking the court to end your probation. You are required to write an explanation as to why this should be granted.

CR-180, Petition for Dismissal

Mark this box if you were NOT sentenced with probation on a misdemeanor or infraction.

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.*)

Page 1 of 2

- a. Mark if you have not committed any crimes since you were sentenced on these charges/this case.
- b. Mark if you have, but are still asking that the charges be dismissed. You are required to explain to the court why dismissal should be granted.

CR-180, Petition for Dismissal

**TURN TO THE
NEXT PAGE.**

CR-180, Petition for Dismissal

PEO	Your name. CALIFORNIA v. DEFENDANT	CASE NUMBER	Case number
<p>4. <input type="checkbox"/> Successful participation in the California Conservation Camp Program or county incarcerated individual hand crew (Pen. Code, § 1203.4b)</p> <p>The petitioner has been removed from the program as outlined in Penal code section 1203.4b(a)(1), and has successfully participated in the CA Conservation Camp Program/county hand crew. Successful participation means any conduct that warranted removal from the program.</p> <p>a. <input type="checkbox"/> the California Conservation Camp program as an incarcerated individual hand crew member, as determined by the Secretary of the Department of Corrections.</p> <p>b. <input type="checkbox"/> as a member of a county incarcerated hand crew.</p> <p>c. <input type="checkbox"/> should be granted relief in the interest of justice. You must explain to the court why dismissal should be granted in the interests of justice. You must submit relevant documents.)</p> <p>a. Mark if you were in the CA Conservation Camp Program as a hand crew member.</p> <p>b. Mark if you were a county incarcerated hand crew member.</p> <p>c. Mark if relief should be granted in the interest of justice. You are required to explain to the court why dismissal should be granted.</p>			
Please provide CDCR number	CDCR number	NAME OF FIRE CAMP:	Name of Camp
FIRE CAMP PARTICIPATION DATES:			
Dates you participated in Camp			

CR-180, Petition for Dismissal

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

The 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 may complete and attach the Attached Declaration (form MC-031) or submit other relevant documents.

Mark this box if you have completed probation for a conviction under PC 647(b), and you can prove you were a victim of human trafficking. Complete and attach an Attached Declaration (MC-31) and/or other evidence.

CR-180, Petition for Dismissal

Mark this box if you were given a felony county jail sentence.

6. 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).
- 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.*)

- a. Mark if it has been more than one (1) year since you completed the jail sentence WITH a period of supervised probation.
- b. Mark if it has been more than two (2) years since you completed the jail sentence without a period of mandatory supervision.
- c. Mark if relief should be granted in the interest of justice. You are required to explain to the court why dismissal should be granted.

CR-180, Petition for Dismissal

Mark this box if you were given a felony sentence before the 2011 Realignment Legislation for a crime that is now eligible for sentencing pursuant to PC 1170(h).

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.

- a. Mark if it has been more than two (2) years since you completed the jail sentence.
- b. Mark if you are not under supervised probation, and you are not serving a sentence for, on probation for, or charged with another offense.

CR-180, Petition for Dismissal

Mark this box if you were given deferred entry of judgment. Fill in the date the criminal charges were dismissed.

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 or has not attached a copy of his or her state summary criminal history information.

- a. Mark if court records that show the resolution are available.
- b. Mark if you know that the charges were dismissed after completing the requirements for deferred entry of judgment.
-Mark whether or not you have attached a summary of your California criminal history information from DOJ.

CR-180, Petition for Dismissal

9. The Petitioner requests that eligible felony offenses listed above be reduced to misdemeanors under Penal Code section 17(b).

10. The Petitioner requests that eligible misdemeanor offenses be reduced to infraction under Penal Code section 17(d)(2).

11. 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, *1203.4b, 1203.41, 1203.42, 1203.43, 1203.49 of the Penal Code.

**Please note: upon granting relief under Penal Code section 1203.4b, the court shall order early termination of probation, parole, or supervision.*

9. Mark if you are asking the court to reduce eligible felony offenses to misdemeanors.

10. Mark if you are asking the court to reduce eligible misdemeanor offenses to infractions.

11. Mark if you are asking the court to dismiss the case, then Mark the corresponding code:

-If you Marked box 2- Felony or misdemeanor with probation granted, mark 1203.4

-If you Marked box 3- Misdemeanor or infraction with sentence other than probation, mark 1203.4a

-If you Marked box 4- Successful participation in the CA Conservation Camp Program, mark 1203.4b

-If you Marked box 5- Misdemeanor conviction under PC 647(b), mark 1203.49

-If you Marked box 6- Felony county jail sentence under PC 1170(h)(5), mark 1203.41

-If you Marked box 7- Felony conviction sentenced prior to the implementation of the 2011 Realignment Legislation for a crime which they would otherwise be eligible for sentencing pursuant to subdivision (h) of PC 1170, mark 1203.42

-If you Marked box 8- Deferred entry of judgment, mark 1203.43

YOU MAY MARK MORE THAN ONE (1) BOX.

CR-180, Petition for Dismissal

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)

Print the date.

Sign in blue or
black ink.

Print 1 copy and sign it, then make 5
additional copies,
OR
Print 6 copies and sign each.

CR-181, Order for dismissal

<p><u>Attorney or Party Without Attorney</u> State Bar No: _____</p> <p>NAME: _____</p> <p>ADDRESS: _____</p> <p>STATE, ZIP: _____</p> <p>PHONE NO.: () _____ FAX NO.: () _____</p> <p>ADDRESS _____</p> <p>ATTORNEY FOR (Name) _____</p>	<p>FOR COURT USE ONLY</p>
<p>ORDER FOR DISMISSAL PENAL CODE SECTION §§ 17(b), 17(d)(2), 1203.4, 1203.4a, 1203.42, 1203.43</p>	
<p>THE PEOPLE OF THE STATE OF CALIFORNIA vs. DEFENDANT: _____</p>	<p>CASE NUMBER: _____</p>

Complete this section with your information

Your Name

Case number of charges you want dismissed.

The Court will fill out the rest of the form.
Print 6 copies.

For further questions:

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Civil Self-Help Services

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