

INSTRUCTIONS FOR PETITION AND ORDER FOR EXPUNGEMENT

[Judicial Council Approved Form CR-180 & 181]

Please fill out and complete form CR-180 – Petition for Dismissal and complete the top portion of form CR-181 – Order for Dismissal.

REQUIREMENTS FOR EXPUNGEMENT APPLICATION:

1. You cannot be on probation if you apply for an expungement.
2. If you were not placed on probation at the time of sentencing, ONE YEAR must have lapsed before you can apply for an expungement.
3. One expungement application for EACH case number is necessary.

DEFINITION OF EXPUNGEMENT:

The Defendant may, at any time after termination of the period of probation, if he or she is not currently on probation for any offense or pending charges, may petition the court to withdraw his/her plea of guilty, or not guilty and found guilty by the court, or nolo contendere, the Court shall thereupon dismiss the accusations or information against the Defendant and except as noted below, he/she shall thereafter be released from all penalties and disabilities resulting from the offense of which he or she has been convicted.

THE EXPUNGEMENT ORDER DOES NOT RELIEVE YOU OF 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 LOTTERY.

AN EXPUNGEMENT DOES NOT REMOVE ANYTHING FROM YOUR RECORD.

MAIL OR BRING YOUR COMPLETED APPLICATION TO:

Superior Court of California
County of Sonoma
600 Administration Drive, Room 105-J
Santa Rosa, CA 95403

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): TELEPHONE NO.: _____ FAX NO. (Optional): _____ E-MAIL ADDRESS (Optional): _____ ATTORNEY FOR (Name): _____	FOR COURT USE ONLY
PEOPLE OF THE STATE OF CALIFORNIA v. DEFENDANT: _____	
PETITION FOR DISMISSAL (Pen. Code, §§ 17, 1203.4, 1203.4a)	CASE NUMBER: _____
DEFENDANT'S INFORMATION	
CII: _____ DRIVER'S LIC #: _____ SSN # (LAST FOUR DIGITS ONLY): _____ DATE OF BIRTH: _____	

1. On (date): _____ the defendant in the above-entitled criminal action was convicted of a violation of section(s) (specify): _____ of the (specify): _____ Code.
2. The offense was a misdemeanor felony.
 Felony offense (Pen. Code, § 17):
 The offense listed above is a felony that may be reduced to a misdemeanor under Penal Code section 17.
3. Offense 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 defendant is not serving a sentence for any offense, nor on probation for any offense, nor under charge of commission of any crime, and the defendant (check one):
 - 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; or
 - 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 by completing and attaching the optional Attached Declaration (form MC-031).)
4. Offense 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 defendant has complied with the sentence of the court and is not serving a sentence for any offense nor under charge of commission of any crime, and since said pronouncement of judgment has lived an honest and upright life and conformed to and obeyed the laws of the land.

Petitioner requests that defendant 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 or 1203.4a of the Penal Code.

Petitioner requests that the felony charge be reduced to a misdemeanor under Penal Code section 17.

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, DEFENDANT)

(CITY)

(STATE)

(ZIP CODE)

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): TELEPHONE NO.: _____ FAX NO. (Optional): _____ E-MAIL ADDRESS (Optional): _____ ATTORNEY FOR (Name): _____	FOR COURT USE ONLY
PEOPLE OF THE STATE OF CALIFORNIA v. DEFENDANT:	
ORDER FOR DISMISSAL (Pen. Code, §§ 17, 1203.4, 1203.4a)	CASE NUMBER:
DEFENDANT'S INFORMATION	
CII: DRIVER'S LIC #: _____ SSN # (LAST FOUR DIGITS ONLY): _____ DATE OF BIRTH: _____	

1. The court denies the petition.
2. The court grants the petition. The court finds from the records on file in this case, and from the foregoing petition, that the defendant is eligible for the relief requested.
3.
 - a. The court reduces the felony offense to a misdemeanor.
 - b. The court denies the request to reduce the felony offense to a misdemeanor.
4. It is ordered that the plea, verdict, or finding of guilt in the above-entitled action be set aside and vacated and a plea of not guilty be entered and that the complaint be, and is hereby, dismissed.
5. If this order is granted under the provisions of Penal Code section 1203.4:
 - a. The defendant 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.
 - b. Dismissal of the conviction does not permit a person prohibited from holding public office as a result of that conviction to hold public office.
 - c. The defendant 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 or 1203.4a, the defendant is released from all penalties and disabilities resulting from the offense except as provided in Penal Code sections 12021 and 12021.1 and Vehicle Code section 13555. 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 12021 or 12021.1.
7. In addition, as required by Penal Code section 299(f), relief under Penal Code sections 17, 1203.4, or 1203.4a does *not* release defendant 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 defendant 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).

Date: _____

(JUDICIAL OFFICER)

FOR COURT USE ONLY
