

**SUPERIOR COURT OF CALIFORNIA  
COUNTY OF SAN DIEGO**

**MISDEMEANOR  
PETITION FOR DISMISSAL PACKET  
(PENAL CODE §§ 1203.4 & 1203.4a)**



**FORMS INCLUDED IN THIS PACKET**

Petition for Dismissal - General Information (Misdemeanor)	SDSC Form #CRM-202
Petition for Dismissal - Petition (Felony/Misdemeanor)	SDSC Form #CRM-204



## SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN DIEGO

- CENTRAL DIVISION, CENTRAL COURTHOUSE, 1100 UNION ST., SAN DIEGO, CA 92101
- EAST COUNTY DIVISION, 250 E. MAIN ST., EL CAJON, CA 92020
- NORTH COUNTY DIVISION, 325 S. MELROSE DR., VISTA, CA 92081
- SOUTH COUNTY DIVISION, 500 3RD AVE., CHULA VISTA, CA 91910

### PETITION FOR DISMISSAL - GENERAL INFORMATION (MISDEMEANOR – PEN. CODE §§ 1203.4 OR 1203.4a)

Eligibility	Pen. Code § 1203.4	If probation was <u>granted</u> , defendant may be eligible for relief if all of the following are met: <ul style="list-style-type: none"> <li>▶ Defendant is not now serving a sentence for any offense.</li> <li>▶ Defendant is not now on probation for any offense.</li> <li>▶ Defendant is not now charged with committing any offense.</li> <li>▶ Defendant has fulfilled the conditions of probation for the entire period of probation, OR defendant has been discharged prior to the termination of probation, OR relief should be granted in the interest of justice.</li> </ul>
	Pen. Code § 1203.4a	If probation was <u>not granted</u> , and more than one year has elapsed since the date of sentencing, defendant may be eligible for relief if all of the following are met: <ul style="list-style-type: none"> <li>▶ Defendant has fully complied with and performed the sentence of the court.</li> <li>▶ Defendant is not now serving a sentence for any offense.</li> <li>▶ Defendant is not now charged with committing any offense.</li> <li>▶ Since the pronouncement of judgment, defendant has lived an honest and upright life and has conformed to laws of the land, OR relief should be granted in the interest of justice.</li> </ul>
	Ineligible Violations	Defendants <u>may</u> be ineligible for relief if convicted of violating Pen. Code §§ 286(c), 288, 287(c) or former 288a, 288.5, 289(j), 311.1, 311.2, 311.3, 311.11, or an offense within the provisions of Veh. Code § 42002.1. If the defendant was charged with an offense described in Veh. Code §12810(a)-(e), relief under Pen. Code § 1203.4 is discretionary with the court.
	Case Status	The case must be an ADJUDICATED MATTER. This means that defendant has either entered a plea of guilty or no contest, or a guilty verdict was entered, and defendant was sentenced. The following case dispositions are <b>not</b> eligible for relief: <ul style="list-style-type: none"> <li>▶ The charge(s) were dismissed upon completion of Pen. Code § 1000 diversion.</li> <li>▶ Bail was forfeited and a plea was never entered.</li> <li>▶ The case has previously been dismissed.</li> </ul>
Application	Location	The petition for dismissal must be filed in the court in which the matter was adjudicated.
	Form	Court policy requires the filing of the "Petition for Dismissal (Felony/Misdemeanor)" (SDSC Form #CRM-204) for all applications for dismissal. Multiple case numbers for the same defendant must be placed on separate petition(s).
	Court Costs	The defendant may be required to reimburse the court \$60.00 for the costs incurred in processing <u>each</u> petition. Those who will be asking the court to waive costs based on inability to pay must fill out a Financial Declaration (SDSC Form #ADM-227) and present it at the time the petition is filed. The Financial Declaration form will be kept confidential.
	Supporting Documents	If the petition is based on the interest of justice, a declaration stating the reasons why dismissal is appropriate must be attached to the Petition.
	Notice to the Prosecuting Agency	Pursuant to Pen. Code § 1203.4(d), the appropriate prosecuting agency must be given 15 calendar days notice of the filing of the petition to allow time for the filing of an optional objection to the petition. It is the defendant's responsibility to serve the prosecuting agency with any petitions filed.
	Records Check	The information provided in the petition will be verified by a records check.
	Processing Time	The processing of the petition may take approximately four to eight weeks from the date it is filed.
	Certificate of Rehabilitation	If the court grants a petition for dismissal, the defendant may be eligible for a Certificate of Rehabilitation pursuant to Pen. Code § 4852 et seq. An information packet (SDSC Form #PKT-016) may be obtained from the court or found at <a href="http://www.sdcourt.ca.gov">www.sdcourt.ca.gov</a> .
Older Records	Since Gov. Code § 68152 allows that some court records be destroyed after five years, the court may not be able to process a petition filed more than five years after a case has been adjudicated, unless documentation of the appropriate court records can be provided. The following documentation is acceptable: <ul style="list-style-type: none"> <li>▶ Certified copies of the complaint, conviction, and clerk's minutes in the case.</li> <li>▶ A Department of Justice abstract of defendant's criminal history, which may be obtained by contacting: <div style="display: flex; justify-content: space-between;"> <div> <p>Department of Justice, Records Review Unit P.O. Box 903417 Sacramento, CA 94203-4170</p> </div> <div> <p>Telephone: (916) 227-3832 Website: <a href="http://caag.state.ca.us">http://caag.state.ca.us</a></p> </div> </div> </li> </ul>	
Granting of the Petition	A notation will be entered on the record that relief was granted, but granting relief does NOT seal, destroy, or remove any entries from the court, law enforcement or Department of Justice records; nor does it relieve the defendant of obligations/consequences related to possession/control of firearms, driver license revocation or holding public office. If relief is granted per Pen. Code § 1203.4, it also does not relieve defendant of obligations/consequences related to a questionnaire/application for public office, state or local licensure, contracting with the California State Lottery Commission or the duty to register per Pen. Code § 290 et seq. (See Pen. Code §§ 290.007, 1203.4, 1203.4a, 29900; Veh. Code § 13555.)	

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address):		(FOR COURT USE ONLY)
TELEPHONE NO.:	FAX NO.(Optional):	
EMAIL ADDRESS (Optional):		
ATTORNEY FOR (Name):		
<b>SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN DIEGO</b>		
<input type="checkbox"/> CENTRAL DIVISION, CENTRAL COURTHOUSE, 1100 UNION ST., SAN DIEGO, CA 92101 <input type="checkbox"/> EAST COUNTY DIVISION, 250 E. MAIN ST., EL CAJON, CA 92020 <input type="checkbox"/> NORTH COUNTY DIVISION, 325 S. MELROSE DR., VISTA, CA 92081 <input type="checkbox"/> SOUTH COUNTY DIVISION, 500 3RD AVE., CHULA VISTA, CA 91910		
PLAINTIFF <b>PEOPLE OF THE STATE OF CALIFORNIA</b>		
DEFENDANT		SUPERIOR COURT CASE NUMBER
<b>PETITION FOR DISMISSAL - PETITION (FELONY/MISDEMEANOR - PC 1203.4 OR 1203.4a)</b>		CITY/DISTRICT ATTORNEY NUMBER

Defendant's date of birth: \_\_\_\_\_

Defendant was convicted on \_\_\_\_\_ of the following  felony  misdemeanor charges: \_\_\_\_\_.  
 Defendant requests reduction of the applicable felony charge(s) to misdemeanor(s) per Pen. Code § 17 (separate moving papers are attached).

**Petition for relief per Pen. Code § 1203.4:** Defendant is entitled to the relief requested based on the following: Probation was granted and has expired or been terminated (ending on \_\_\_\_\_); defendant is not now serving a sentence on any offense, is not on probation for any offense, and is not now charged with committing any offense; and:  
 defendant has fulfilled the conditions of probation for the entire period of probation; or  
 defendant has been discharged prior to termination of probation; or  
 relief should be granted in the interest of justice (declaration stating reasons attached).

**Petition for relief per Pen. Code § 1203.4a:** Defendant is entitled to the relief requested based on the following: Defendant was convicted of a misdemeanor and probation was not granted; more than one year has lapsed since the pronouncement of judgment; defendant has fully complied with and performed the sentence of the court, is not currently serving a sentence on any offense, and is not currently charged with committing any offense; and  
 since the pronouncement of judgment, defendant has lived an honest and upright life and has conformed to and obeyed the laws of the land; or  
 relief should be granted in the interest of justice (declaration stating reasons attached).

I certify under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Dated: \_\_\_\_\_ at \_\_\_\_\_ by \_\_\_\_\_  
(City) (State) Petitioner / Attorney for Petitioner

**Petition filed must be served on the prosecuting agency.**

If the court grants the relief herein requested, defendant may have the right to petition for a Certificate of Rehabilitation and Pardon pursuant to Pen. Code § 4852 et. seq. An information packet (SDSC #PKT-016) regarding this may be obtained from the court or found at [www.sdcourt.ca.gov](http://www.sdcourt.ca.gov).

**NOTICE OF HEARING**

Defendant's petition will be heard on \_\_\_\_\_ at \_\_\_\_\_ in Dept. \_\_\_\_\_.

Clerk of the Superior Court

Date: \_\_\_\_\_ by \_\_\_\_\_, Deputy

Distribution by: \_\_\_\_\_ on \_\_\_\_\_ to  Prosecutor – Courtesy Copy  Defendant  Probation  Pre-trial Services