

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

**FELONY
PETITION FOR DISMISSAL PACKET
(PENAL CODE § 1203.4)**



FORMS INCLUDED IN THIS PACKET	
General Information for Petitions for Dismissal – Felonies	SDSC Form #CRM-203
Petition for Dismissal	SDSC Form #CRM-204
General Information – Petitions for Certificate of Rehabilitation	SDSC Form #CRM-208
General Information – Application for a Pardon	SDSC Form #CRM-209



SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN DIEGO

- ☐ CENTRAL DIVISION, COUNTY COURTHOUSE, 220 W. BROADWAY, 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

GENERAL INFORMATION FOR PETITIONS FOR DISMISSAL UNDER PEN. CODE § 1203.4 FELONIES

Eligibility	Statute	The following are requirements of Pen. Code § 1203.4: Pen. Code § 1203.4 If probation was <u>granted</u> , defendant may be eligible for relief if the conditions of probation for the entire period of probation have been fulfilled, OR defendant has been discharged from probation, AND all of the following: <ul style="list-style-type: none"> ▶ Defendant is not now serving a sentence for any offense. ▶ Defendant is not now on probation for any offense. ▶ Defendant is not now charged with committing any offense.
	Ineligible Violations	Defendants <u>may</u> be ineligible to seek relief under Pen. Code § 1203.4 if convicted of violating Pen. Code §§ 261.5(d), 286(c), 288, 288a(c), 288.5, or 289(j), or charged with a Veh. Code offense described in Veh. Code § 12810(a)-(e).
	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 not eligible for relief: <ul style="list-style-type: none"> ▶ The charge(s) were dismissed upon completion of Pen. Code § 1000 diversion. ▶ Bail was forfeited and a plea was never entered. ▶ The case has previously been dismissed. ▶ State prison was imposed.
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 (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 petitioner may be required to reimburse the court \$120.00 through the Department of Revenue and Recovery 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 to the court at the time the petition is filed. The Financial Declaration Form will be kept
	Supporting Documents	Documents in support of the petition must be submitted if the petition is one that may only be granted in the interest of justice and at the discretion of the reviewing judge.
	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 petitioner'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. The hearing date and time will be set by the clerk when the petition is filed.
	Certificate of Rehabilitation and Pardon	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 (PKT-016) may be obtained from the court or found at www.sdcourt.ca.gov .
Granting of the Petition	The relief granted by Pen. Code § 1203.4 or does NOT seal, destroy, or remove any entries from the court, law enforcement, or Department of Justice records; a notation will be entered on the record that relief was granted pursuant to this statute. If granted, the order does not permit the defendant to own, possess, or have custody or control over any firearm and the Department of Motor Vehicles will still consider the conviction for purposes of revocation or suspension of the driving privilege pursuant to Veh. Code § 13555.	

PETITIONER OR ATTORNEY FOR PETITIONER (Name, State Bar number, and address): TELEPHONE NO.: _____ FAX NO. (Optional): _____ E-MAIL ADDRESS (Optional): _____ ATTORNEY FOR (Name): _____	(FOR COURT USE ONLY)
SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN DIEGO <input type="checkbox"/> CENTRAL DIVISION, COUNTY COURTHOUSE, 220 W. BROADWAY, 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 PEOPLE OF THE STATE OF CALIFORNIA	
DEFENDANT	
PETITION FOR DISMISSAL	CITY/DISTRICT ATTORNEY NUMBER

PETITION

Defendant hereby petitions for dismissal pursuant to Pen. Code § ☐ 1203.4 ☐ 1203.4a.

STATEMENT OF FACTS

Defendant's date of birth: _____

Defendant was convicted on _____ of the following charges: _____

Probation was ☐ NOT granted ☐ granted by the court for a period of _____ year(s) and ended on _____

Defendant is entitled to the relief requested based on the following:

☐ Defendant has fulfilled the conditions of probation for the entire period of probation, **OR** ☐ Defendant has been granted early termination of probation,

AND all of the following:

- (1) Defendant is not now serving a sentence on any offense.
- (2) Defendant is not on probation for any offense.
- (3) Defendant is not now charged with committing any offense.

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

Dated: _____ at _____ (City) _____ (State) by _____
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.

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



SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN DIEGO

- ☐ CENTRAL DIVISION, COUNTY COURTHOUSE, 220 W. BROADWAY, SAN DIEGO, CA 92101
- ☐ EAST COUNTY DIVISION, RAMONA, 1428 MONTECITO RD., RAMONA, CA 92065
- ☐ NORTH COUNTY DIVISION, 325 S. MELROSE DR., VISTA, CA 92081
- ☐ SOUTH COUNTY DIVISION, 500 3RD AVE., CHULA VISTA, CA 91910

GENERAL INFORMATION – PETITIONS FOR CERTIFICATE OF REHABILITATION (PEN. CODE § 4852.01 et seq.)

The granting of a Certificate of Rehabilitation restores to the applicant some of the rights of citizenship which were forfeited as a result of a conviction. Defendants convicted of a felony, or a misdemeanor sex offense specified in Pen. Code § 290, and who were granted probation, must obtain relief pursuant to Pen. Code § 1203.4 before a Certificate of Rehabilitation may be granted..

Purpose	<table border="1"> <tr> <td data-bbox="368 552 487 688">Does</td><td data-bbox="487 552 1526 688"> <p>Relieve specified sex offenders of further duty to register. (Pen. Code § 290.5 (a))</p> <p>Enhance an ex-felon's potential for becoming licensed by state boards. (Pen. Code § 4853)</p> <ul style="list-style-type: none"> ➤ Serve as an official document to demonstrate an ex-felon's rehabilitation, which could enhance employment possibilities. ➤ Serve as an automatic recommendation and application to the Governor for a pardon. </td></tr> <tr> <td data-bbox="368 688 487 909">Does not</td><td data-bbox="487 688 1526 909"> <ul style="list-style-type: none"> ➤ Erase the felony conviction or seal the criminal record. (Pen. Code § 4852.17) ➤ Prevent the offense from being considered as a prior conviction if the person is later convicted of a new offense. ➤ Allow an ex-felon to answer on employment applications that he/she has no record of conviction. ➤ Give an ex-felon the right to vote. This right is automatically restored after termination from probation or discharge from parole. </td></tr> </table>	Does	<p>Relieve specified sex offenders of further duty to register. (Pen. Code § 290.5 (a))</p> <p>Enhance an ex-felon's potential for becoming licensed by state boards. (Pen. Code § 4853)</p> <ul style="list-style-type: none"> ➤ Serve as an official document to demonstrate an ex-felon's rehabilitation, which could enhance employment possibilities. ➤ Serve as an automatic recommendation and application to the Governor for a pardon. 	Does not	<ul style="list-style-type: none"> ➤ Erase the felony conviction or seal the criminal record. (Pen. Code § 4852.17) ➤ Prevent the offense from being considered as a prior conviction if the person is later convicted of a new offense. ➤ Allow an ex-felon to answer on employment applications that he/she has no record of conviction. ➤ Give an ex-felon the right to vote. This right is automatically restored after termination from probation or discharge from parole.
Does	<p>Relieve specified sex offenders of further duty to register. (Pen. Code § 290.5 (a))</p> <p>Enhance an ex-felon's potential for becoming licensed by state boards. (Pen. Code § 4853)</p> <ul style="list-style-type: none"> ➤ Serve as an official document to demonstrate an ex-felon's rehabilitation, which could enhance employment possibilities. ➤ Serve as an automatic recommendation and application to the Governor for a pardon. 				
Does not	<ul style="list-style-type: none"> ➤ Erase the felony conviction or seal the criminal record. (Pen. Code § 4852.17) ➤ Prevent the offense from being considered as a prior conviction if the person is later convicted of a new offense. ➤ Allow an ex-felon to answer on employment applications that he/she has no record of conviction. ➤ Give an ex-felon the right to vote. This right is automatically restored after termination from probation or discharge from parole. 				
Eligibility Criteria	<p>A Person is eligible to apply for a Certificate of Rehabilitation if he/she:</p> <ul style="list-style-type: none"> ➤ Has been convicted of a felony and served a sentence in a California prison or other state penal institution or agency; ➤ Was discharged on completion of the sentence or released on parole prior to May 13, 1943; ➤ Has not been incarcerated in a state prison or other state penal institution or agency since being released; and ➤ Presents satisfactory evidence of three years residence in California immediately prior to the filing of the petition. <p>OR</p> <ul style="list-style-type: none"> ➤ Was convicted of a felony or a misdemeanor sex offense specified in Pen. Code § 290, the accusatory pleading of which was dismissed pursuant to Pen. Code § 1203.4; ➤ Has not been incarcerated in any penal institution or agency since the dismissal of the accusatory pleading; ➤ Is not on probation for the commission of any other felony; and ➤ Presents satisfactory evidence of five years residence in California immediately prior to the filing of the petition. <p>OR</p> <ul style="list-style-type: none"> ➤ Was convicted of a felony and, on May 13, 1943, was confined in a state prison or other institution or agency to which he/she was committed, or was convicted of a felony after May 13, 1943 and committed to a state prison or other institution or agency 				
Ineligibility Criteria	<p>Persons who are ineligible to apply for a Certificate of Rehabilitation include those who do not meet the above eligibility criteria and those who were/are:</p> <ul style="list-style-type: none"> ➤ Convicted only of misdemeanors (except those convicted of a misdemeanor sex offense specified in Pen. Code § 290, which was dismissed pursuant to Pen. Code § 1203.4). ➤ Convicted of Pen. Code §§ 286(c), 288, 288a (c), 288.5, or 289(j). ➤ Serving a mandatory life parole. ➤ Committed to prison under a death sentence. ➤ In the military service. 				
How to apply	<p>A Certificate of Rehabilitation and Pardon instruction packet (SDSC PKT-016) may be obtained from this court and may be found at www.sdcourt.ca.gov.</p>				



SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN DIEGO

- ☐ CENTRAL DIVISION, COUNTY COURTHOUSE, 220 W. BROADWAY, SAN DIEGO, CA 92101
- ☐ EAST COUNTY DIVISION, RAMONA, 1428 MONTECITO RD., RAMONA, CA 92065
- ☐ NORTH COUNTY DIVISION, 325 S. MELROSE DR., VISTA, CA 92081
- ☐ SOUTH COUNTY DIVISION, 500 3RD AVE., CHULA VISTA, CA 91910

GENERAL INFORMATION – PETITIONS FOR CERTIFICATE OF REHABILITATION (PEN. CODE § 4852.01 et seq.)

The granting of a Certificate of Rehabilitation restores to the applicant some of the rights of citizenship which were forfeited as a result of a conviction. Defendants convicted of a felony, or a misdemeanor sex offense specified in Pen. Code § 290, and who were granted probation, must obtain relief pursuant to Pen. Code § 1203.4 before a Certificate of Rehabilitation may be granted..

Purpose	<table> <tr> <td data-bbox="368 554 483 688">Does</td><td data-bbox="483 554 1528 688"> <p>Relieve specified sex offenders of further duty to register. (Pen. Code § 290.5 (a))</p> <p>Enhance an ex-felon's potential for becoming licensed by state boards. (Pen. Code § 4853)</p> <ul style="list-style-type: none"> ➤ Serve as an official document to demonstrate an ex-felon's rehabilitation, which could enhance employment possibilities. <p>Serve as an automatic recommendation and application to the Governor for a pardon.</p> </td></tr> <tr> <td data-bbox="368 688 483 909">Does not</td><td data-bbox="483 688 1528 909"> <ul style="list-style-type: none"> ➤ Erase the felony conviction or seal the criminal record. (Pen. Code § 4852.17) ➤ Prevent the offense from being considered as a prior conviction if the person is later convicted of a new offense. ➤ Allow an ex-felon to answer on employment applications that he/she has no record of conviction. ➤ Give an ex-felon the right to vote. This right is automatically restored after termination from probation or discharge from parole. </td></tr> </table>	Does	<p>Relieve specified sex offenders of further duty to register. (Pen. Code § 290.5 (a))</p> <p>Enhance an ex-felon's potential for becoming licensed by state boards. (Pen. Code § 4853)</p> <ul style="list-style-type: none"> ➤ Serve as an official document to demonstrate an ex-felon's rehabilitation, which could enhance employment possibilities. <p>Serve as an automatic recommendation and application to the Governor for a pardon.</p>	Does not	<ul style="list-style-type: none"> ➤ Erase the felony conviction or seal the criminal record. (Pen. Code § 4852.17) ➤ Prevent the offense from being considered as a prior conviction if the person is later convicted of a new offense. ➤ Allow an ex-felon to answer on employment applications that he/she has no record of conviction. ➤ Give an ex-felon the right to vote. This right is automatically restored after termination from probation or discharge from parole.
Does	<p>Relieve specified sex offenders of further duty to register. (Pen. Code § 290.5 (a))</p> <p>Enhance an ex-felon's potential for becoming licensed by state boards. (Pen. Code § 4853)</p> <ul style="list-style-type: none"> ➤ Serve as an official document to demonstrate an ex-felon's rehabilitation, which could enhance employment possibilities. <p>Serve as an automatic recommendation and application to the Governor for a pardon.</p>				
Does not	<ul style="list-style-type: none"> ➤ Erase the felony conviction or seal the criminal record. (Pen. Code § 4852.17) ➤ Prevent the offense from being considered as a prior conviction if the person is later convicted of a new offense. ➤ Allow an ex-felon to answer on employment applications that he/she has no record of conviction. ➤ Give an ex-felon the right to vote. This right is automatically restored after termination from probation or discharge from parole. 				
Eligibility Criteria	<p>A Person is eligible to apply for a Certificate of Rehabilitation if he/she:</p> <ul style="list-style-type: none"> ➤ Has been convicted of a felony and served a sentence in a California prison or other state penal institution or agency; ➤ Was discharged on completion of the sentence or released on parole prior to May 13, 1943; ➤ Has not been incarcerated in a state prison or other state penal institution or agency since being released; and ➤ Presents satisfactory evidence of three years residence in California immediately prior to the filing of the petition. <p>OR</p> <ul style="list-style-type: none"> ➤ Was convicted of a felony or a misdemeanor sex offense specified in Pen. Code § 290, the accusatory pleading of which was dismissed pursuant to Pen. Code § 1203.4; ➤ Has not been incarcerated in any penal institution or agency since the dismissal of the accusatory pleading; ➤ Is not on probation for the commission of any other felony; and ➤ Presents satisfactory evidence of five years residence in California immediately prior to the filing of the petition. <p>OR</p> <ul style="list-style-type: none"> ➤ Was convicted of a felony and, on May 13, 1943, was confined in a state prison or other institution or agency to which he/she was committed, or was convicted of a felony after May 13, 1943 and committed to a state prison or other institution or agency 				
Ineligibility Criteria	<p>Persons who are ineligible to apply for a Certificate of Rehabilitation include those who do not meet the above eligibility criteria and those who were/are:</p> <ul style="list-style-type: none"> ➤ Convicted only of misdemeanors (except those convicted of a misdemeanor sex offense specified in Pen. Code § 290, which was dismissed pursuant to Pen. Code § 1203.4). ➤ Convicted of Pen. Code §§ 286(c), 288, 288a (c), 288.5, or 289(j). ➤ Serving a mandatory life parole. ➤ Committed to prison under a death sentence. ➤ In the military service. 				
How to apply	<p>A Certificate of Rehabilitation and Pardon instruction packet (SDSC PKT-016) may be obtained from this court and may be found at www.sdcourt.ca.gov.</p>				