

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

**INFRACTION
PETITION FOR DISMISSAL PACKET
(Penal Code § 1203.4a)**



FORMS INCLUDED IN THIS PACKET

Petition for Dismissal - General Information (Infraction)

SDSC Form #MO-037

Petition for Dismissal - Petition and Order (Infraction)

SDSC Form #MO-038



SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN DIEGO

- CENTRAL DIVISION, COUNTY COURTHOUSE, 220 W. BROADWAY, SAN DIEGO, CA 92101
- CENTRAL DIVISION, KEARNY MESA, 8950 CLAIREMONT MESA BLVD., SAN DIEGO, CA 92123
- EAST COUNTY DIVISION, 250 E. MAIN ST., EL CAJON, CA 92020
- NORTH COUNTY DIVISION, 325 S. MELROSE DR., VISTA, CA 92081
- NORTH COUNTY DIVISION, ANNEX BUILDING, 325 S. MELROSE DR., VISTA, CA 92081
- SOUTH COUNTY DIVISION, 500 3RD AVE., CHULA VISTA, CA 91910

PETITION FOR DISMISSAL - GENERAL INFORMATION (INFRACTION - PC 1203.4a)

Eligibility	Pen. Code § 1203.4a	<p>If more than one year has elapsed since the date of sentencing, defendant may be eligible for relief if all of the following are met:</p> <ul style="list-style-type: none"> ▶ Defendant has fully complied with and performed the sentence of the court. ▶ Defendant is not currently serving a sentence for any offense. ▶ Defendant is not currently charged with committing any offense. ▶ 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.
	Ineligible Violations	An infraction falling within the provisions of Veh. Code § 42001 is not eligible for relief.
	Case Status	<p>The case must be an ADJUDICATED MATTER. This means that defendant has entered a plea of guilty, no contest, or a guilty verdict was entered, and defendant was sentenced, or bail was forfeited. The following case dispositions are not eligible for relief:</p> <ul style="list-style-type: none"> ▶ The charge(s) were dismissed upon completion of Pen. Code § 1000 diversion. ▶ The case has previously been dismissed.
Application	Location	The petition for dismissal must be filed in the court in which the case was initially filed.
	Form	Court policy requires the filing of the "Petition and Order For Dismissal (Infraction)" (SDSC Form #MO-038) for all applications for dismissal. Multiple case numbers for the same defendant must be placed on separate petition(s). 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 § 1203.4a(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.
Older Records	<p>Gov. Code § 68152 allows most infraction case records to be destroyed after three years (two years for Health & Saf. § 11357(b) convictions). The court may not be able to process a petition filed after the case records have been destroyed unless documentation of the appropriate court records can be provided. The following documentation is acceptable:</p> <ul style="list-style-type: none"> ▶ Certified copies of the citation/complaint, conviction, and any clerk's minutes in the case. ▶ A Department of Justice abstract of defendant's criminal history, which may be obtained by contacting: <ul style="list-style-type: none"> Department of Justice Records Review Unit P.O. Box 903417 Sacramento, CA 94203-4170 Telephone: (916) 227-3832 Website: http://oag.ca.gov 	
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 or control of firearms, driver license revocation or holding public office. (See Pen. Code §§ 29800 et seq., 29900(a); Veh. Code § 13555.)	

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): TELEPHONE NO.: _____ FAX NO. (Optional): _____ E-MAIL ADDRESS (Optional): _____ ATTORNEY FOR (Name): _____	<i>(FOR COURT USE ONLY)</i>
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"/> CENTRAL DIVISION, KEARNY MESA, 8950 CLAIREMONT MESA BLVD., SAN DIEGO, CA 92123 <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"/> NORTH COUNTY DIVISION, 325 S. MELROSE DR., STE. 350, 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 – PETITION AND ORDER (INFRACTION - PC 1203.4a)	CASE NUMBER _____

PETITION

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

STATEMENT OF FACTS

Defendant's full name: _____ Date of birth: _____

Defendant's address: _____

Telephone No.: _____ Driver License No.: _____

Defendant was convicted on _____ of the following charges: _____

Pronouncement of judgment occurred more than one year ago, on _____

Defendant is entitled to the relief requested based on the following: Defendant has fully complied with and performed the sentence of the court, is not currently serving a sentence on any offense, 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 _____ (City) _____ (State) by _____ Defendant / Attorney for Defendant

Petition must be served on the prosecuting agency. The court will mail the decision within four to eight weeks of filing this petition.

Distribution by: _____ on _____ to Prosecutor – Courtesy Copy Defendant Pre-trial Services

ORDER

- Petition is GRANTED.
 Petition is DENIED.

Date: _____ Judge/Commissioner of the Superior Court

Distribution by: _____ on _____ to Prosecutor – Courtesy Copy Defendant