

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

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



<b>FORMS INCLUDED IN THIS PACKET</b>	
Petition for Dismissal - General Information (Infraction)	SDSC Form #MO-037
Petition for Dismissal - Petition and Order (Infraction)	SDSC Form #MO-038
Work Up Sheet – Petition for Dismissal (CONFIDENTIAL)	SDSC Form #CRM-205



## SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN DIEGO

- ☐ CENTRAL DIVISION, CENTRAL COURTHOUSE, 1100 UNION ST., 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., SUITE 500, VISTA, CA 92081
- ☐ NORTH COUNTY DIVISION, 325 S. MELROSE DR., SUITE 350, VISTA, CA 92081
- ☐ SOUTH COUNTY DIVISION, 500 3RD AVE., CHULA VISTA, CA 91910

### PETITION FOR DISMISSAL – GENERAL INFORMATION (INFRACTION – PEN. CODE, § 1203.4a)

Eligibility	Pen. Code, § 1203.4a	If one year has elapsed since the date of sentencing, petitioner may be eligible for relief if all of the following are met: <ul style="list-style-type: none"> <li>• Petitioner has fully complied with and performed the sentence of the court.</li> <li>• Petitioner is not currently serving a sentence for any offense.</li> <li>• Petitioner is not currently charged with the commission of any offense.</li> <li>• Since the pronouncement of judgment, petitioner has lived an honest and upright life and has conformed to laws and obeyed the laws of the land, OR relief should be granted in the interest of justice.</li> </ul>
	Ineligible Violations	Convictions falling within the provisions of Vehicle Code section 42001 are not eligible for relief.
	Case Status	The case must be an adjudicated matter. This means that the petitioner has entered a plea of guilty or no contest, or a guilty verdict was entered, and the petitioner was sentenced. The following case dispositions are not eligible for relief: <ul style="list-style-type: none"> <li>• Bail was forfeited and a plea was never entered.</li> <li>• The case or charges were previously dismissed.</li> </ul>
Petition	Location	The petition for dismissal must be filed in the court in which the matter was adjudicated.
	Forms	Court policy requires the filing of a Petition and Order for Dismissal (Infraction) (SDSC Form #MO-038) and the Work Up Sheet – Petition for Dismissal (CONFIDENTIAL) (SDSC Form #CRM-205). A separate petition and work up sheet must be submitted for each case number.
	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. A Declaration form (JC Form #MC-030) may be used.
	Providing Notice	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. If opposition is filed by the prosecuting agency and a hearing date is set, the petitioner will be notified.
Older Records	<p>Government Code section 68152 allows some court records to be destroyed after three years (two years for Health &amp; Safety Code section 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"> <li>• Certified copies of the citation, complaint, conviction, and any clerk's minutes in the case.</li> <li>• A Department of Justice abstract of petitioner's criminal history, which may be obtained by contacting: <div style="display: flex; justify-content: space-between;"> <div> <p>California Department of Justice Bureau of Criminal Identification and Analysis Records Review and Challenge Section P.O. Box 160207 Sacramento, CA 95816-0207</p> </div> <div> <p>Telephone: (916) 227-3835  Website: <a href="http://oag.ca.gov/fingerprints/record-review">http://oag.ca.gov/fingerprints/record-review</a></p> </div> </div> </li> </ul>	
Granting of the Petition	<p>If granted, a notation of such will be entered on the record, but granting relief does not:</p> <ul style="list-style-type: none"> <li>• Prevent disclosure to a criminal justice agency.</li> <li>• Release the petitioner from the terms and conditions of any unexpired criminal protective order issued under Penal Code sections 136.2(i)(1), 273.5(j), 368(l), or 646.9(k).</li> <li>• Restore any privileges regarding possession or control of firearms (Pen. Code, §§ 29800 et seq., 29900 et seq.) or driver license suspension or revocation (Veh. Code, § 13555).</li> <li>• Permit a petitioner prohibited from holding public office as a result of the conviction to hold public office.</li> </ul>	

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address):   <div style="display: flex; justify-content: space-between;"> <div>TELEPHONE NO.:</div> <div>FAX NO. (Optional):</div> </div> EMAIL ADDRESS (Optional):  ATTORNEY FOR (Name):	<b>FOR COURT USE ONLY</b>
<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"/> 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., SUITE 500, VISTA, CA 92081 <input type="checkbox"/> NORTH COUNTY DIVISION, 325 S. MELROSE DR., SUITE 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	
<b>PETITION FOR DISMISSAL – PETITION AND ORDER (INFRACTION – PEN. CODE, § 1203.4a)</b>	CASE NUMBER

Petitioner's (the defendant in the above-entitled case) date of birth: \_\_\_\_\_.

Petitioner was convicted on \_\_\_\_\_ of the following charges: \_\_\_\_\_.

Pronouncement of judgment occurred more than one year ago, on \_\_\_\_\_.

Petitioner is entitled to the relief requested based on the following: Petitioner has fully complied with and performed the sentence of the court, is not currently serving a sentence for any offense, is not currently charged with the commission of any offense, was not convicted of an infraction falling within the provisions of Vehicle Code section 42001, and:

- ☐ Since the pronouncement of judgment, petitioner 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 declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date: \_\_\_\_\_

\_\_\_\_\_  
Signature of Petitioner / Attorney for Petitioner

**Petition filed must be served on the prosecuting agency within 15 calendar days.**

Distribution by: \_\_\_\_\_ on \_\_\_\_\_ to ☐ Prosecutor – Courtesy Copy ☐ Pet. ☐ Atty. ☐ BIU

### **ORDER**

☐ Petition is GRANTED. ☐ Petition is DENIED.

**IT IS SO ORDERED.**

Date: \_\_\_\_\_

\_\_\_\_\_  
Judge/Commissioner of the Superior Court

Distribution by: \_\_\_\_\_ on \_\_\_\_\_ to: ☐ Pet. ☐ Atty ☐ Pros.

**CONFIDENTIAL**

<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"/> 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"/> SOUTH COUNTY DIVISION, 500 3RD AVE., CHULA VISTA, CA 91910		<b>FOR COURT USE ONLY</b>
PLAINTIFF PEOPLE OF THE STATE OF CALIFORNIA		
DEFENDANT		SUPERIOR COURT CASE NUMBER
<b>WORK UP SHEET – PETITION FOR DISMISSAL (CONFIDENTIAL)</b>		PROBATION NUMBER

**Date Needed By** \_\_\_\_\_

<b>TO BE COMPLETED BY PETITIONER OR REPRESENTATIVE</b>	
NAME:	ALIAS(ES):
ADDRESS:	
PHONE NUMBER:	DRIVER LICENSE:
DATE OF BIRTH:	PLACE OF BIRTH:
SOCIAL SECURITY NUMBER:	
CHARGES:	

**FOR COURT USE ONLY**

<input type="checkbox"/> Proof of service in file shows that the petition was served on the prosecuting agency at least 15 calendar days (plus an additional five or 10 days, if served by mail) before submitted to court for review.
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Distribution by: \_\_\_\_\_ on \_\_\_\_\_ to: ☐ Prob. ☐ BIU

<b>TO BE COMPLETED BY BACKGROUND INVESTIGATION UNIT (BIU)/PROBATION INVESTIGATOR ONLY</b>					
<b>Checks Completed:</b>					
Local Records	CII	FBI	Wants/Warrants	DMV	Other
 <input type="checkbox"/> Probation granted on _____ for _____ years. <input type="checkbox"/> No probation. Sentenced: _____					
<b>During term of probation, record indicates:</b> <input type="checkbox"/> Clear record <input type="checkbox"/> Petitioner was convicted in the following case(s):					
Case No.: _____ Charge(s): _____ sentenced: _____					
Case No.: _____ Charge(s): _____ sentenced: _____					
Case No.: _____ Charge(s): _____ sentenced: _____					
 <b>At time of petition, record indicates:</b> <input type="checkbox"/> Clear record <input type="checkbox"/> Arrested within the last 12 months on:					
Date: _____ Charge(s): _____ Date: _____ Charge(s): _____ Date: _____ Charge(s): _____					
Date: _____ Charge(s): _____ Date: _____ Charge(s): _____ Date: _____ Charge(s): _____					
 <input type="checkbox"/> Outstanding warrant(s): _____					
<input type="checkbox"/> Petitioner now on probation for another offense: _____					
<input type="checkbox"/> Petitioner now in jail/prison for another offense: _____					
Completed by: _____ Date: _____					