

**“MISDEMEANOR
EXPUNGEMENT”
FORMS PACKET**

SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN DIEGO

CENTRAL DIVISION, 220 W. BROADWAY, SAN DIEGO, CA 92101-3814
 EAST COUNTY DIVISION, 250 E. MAIN ST., EL CAJON, CA 92020-3941
 NORTH COUNTY DIVISION, 325 S. MELROSE DR., VISTA, CA 92081-6695
 SOUTH COUNTY DIVISION, 500 THIRD AVE., CHULA VISTA, CA 91910-5649

**GENERAL INFORMATION FOR PETITIONS FOR RELIEF UNDER PC1203.4 AND PC1203.4a
 MISDEMEANORS**

Eligibility	Statute	The following are requirements of Penal Code Section 1203.4 or 1203.4a :
	PC1203.4	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: <ul style="list-style-type: none"> ▶ Defendant is not now serving a sentence for any offense, AND ▶ Defendant is not now on probation for any offense, AND ▶ Defendant is not now charged with committing any offense.
	PC1203.4a	If probation was <u>not granted</u> , and more than one (1) year has elapsed since the date of sentencing, Defendant may be eligible for relief if: <ul style="list-style-type: none"> ▶ Defendant has fully complied with and performed the sentence of the court, AND ▶ Defendant is not now serving a sentence for any offense, AND ▶ Defendant is not now charged with committing any offense.
	Ineligible Violations	Pursuant to PC1203.4(b), defendants are ineligible to seek relief under PC1203.4/PC1203.4a for convictions of violating any of the following sections: <ul style="list-style-type: none"> ▶ VC2800 ▶ VC2803 ▶ PC286(c) ▶ PC288a(c) ▶ PC289(j) ▶ VC2801 ▶ PC288 ▶ PC288.5 ▶ Any infraction violation
Case Status	The case must be an ADJUDICATED MATTER. This means that the defendant has either entered a plea of guilty or no contest, or a guilty verdict was entered, and the 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 PC1000 diversion. ▶ Bail was forfeited and a plea was never entered. ▶ The case has previously been dismissed. 	
Application	Location	The petition for relief must be filed in the court in which the matter was adjudicated.
	Form	Court policy requires the filing of the "Petition For Relief Pursuant To PC1203.4/1203.4a" for all applications for relief. Multiple case numbers for the same defendant must be placed on a separate petition with an administrative fee per petition filed.
	Admin. Fee	You may be required to reimburse the Court a \$60 Administrative fee for the costs incurred in processing each petition. Indigent defendants may apply for a fee waiver by filing the "Application For Waiver Of Court Fees And Costs" and an "Order On Application For Waiver Of Court Fees And Costs".
	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 PC1203.4(d), the appropriate prosecuting agency must be given fifteen (15) calendar days notice of the filing of the petition to allow time for the filing of an optional objection to the petition. Petitions filed must be served on the prosecuting agency.
	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 4-8 weeks from the date the petition is filed.
Older Records	Since Government Code Section 68152 allows that court records be destroyed after ten (10) years, the court may not be able to process a petition filed more than ten 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"> ▶ Certified copies of the complaint, conviction, and clerk's minutes in the case. ▶ A Department of Justice abstract of the defendant's criminal history, which may be obtained by contacting: <p style="margin-left: 40px;">Department of Justice Telephone: 1-(800) 952-5225 Records Review Unit Email: http://caag.state.ca.us P.O. Box 903417 Sacramento, CA 94203-4170</p> 	
Granting of the Petition	The relief granted by PC1203.4 or PC1203.4a does NOT seal, destroy, or remove any entries from the court, law enforcement or Department of Justice records, but is a dismissal of the charges and convictions. Upon the granting of the petition, a notation will be entered on the record that relief was granted pursuant to this statute. The Department of Motor Vehicles shall still consider the conviction for purposes of revocation or suspension of the driving privilege pursuant to Vehicle Code Section 13555.	

PETITIONER OR ATTORNEY FOR PETITIONER (Name, State Bar number, and address):		(FOR COURT USE ONLY)
TELEPHONE NO.:	FAX NO.(Optional):	
E-MAIL ADDRESS (Optional):		
ATTORNEY FOR (Name):		
SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN DIEGO <input type="checkbox"/> CENTRAL DIVISION 220 W. BROADWAY, SAN DIEGO, CA 92101-3814 <input type="checkbox"/> NORTH COUNTY DIVISION 325 S. MELROSE DR., VISTA, CA 92081-6695 <input type="checkbox"/> EAST COUNTY DIVISION 250 E. MAIN ST., EL CAJON, CA 92020-3941 <input type="checkbox"/> SOUTH COUNTY DIVISION 500 3RD AVE., CHULA VISTA, CA 91910-5649		
PLAINTIFF PEOPLE OF THE STATE OF CALIFORNIA		
DEFENDANT		COURT CASE NUMBER
PETITION FOR RELIEF (PC1203.4 & 1203.4a)		CITY/DISTRICT ATTORNEY NUMBER

TO: CITY ATTORNEY OF SAN DIEGO
 DISTRICT ATTORNEY, COUNTY OF SAN DIEGO

PETITION

Pursuant to Penal Code 1203.4/1203.4a defendant requests that the Court set aside the conviction herein, enter a plea of not guilty, and order the charge(s) dismissed.

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 _____ years 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**

- (1) Is not now serving a sentence on any offense,
- (2) Is not on probation for any offense, and
- (3) 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 _____ by _____
(City) (State) Petitioner / Attorney for Petitioner

NOTICE OF HEARING

The defendant's petition will be heard on _____ at _____ in Dept. _____

Clerk, by _____, Deputy

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