



Superior Court of California County of San Diego

For Your Information

Dismissal of Charges upon Successful Completion of Drug Treatment under Proposition 36

If you were placed on probation under Penal Code § 1210.1(a) (Proposition 36) and have completed drug treatment, you may be entitled to have the charges dismissed. To obtain dismissal of charges, you must prove the following to the satisfaction of a judge at a hearing:

- You have successfully completed drug treatment,
 - You have substantially complied with the conditions of probation, and
 - There is reasonable cause to believe that you will **not** abuse controlled substances in the future.
- (See Penal Code § 1210.1(d).)

To obtain the requested relief, you must do the following.

1. **Get the forms.** You will need “Notice of Petition and Petition for Relief” (CRM-174), “Proof of Service” (POS-30) and “Order Dismissing Accusation” (CRM-175). Forms are available from the clerk or via the internet at the following address: <http://www.sandiego.courts.ca.gov>
2. **Complete the forms.** Complete the “Notice of Petition and Petition for Relief” (CRM-174) and “Proof of Service” forms (POS-30) in their entirety. Complete the top portion **only** of the “Order Dismissing Accusation” (CRM-175) form. Type the forms or print legibly in black ink.
3. **Make copies of the forms.** You must make three copies of the original Petition (CRM-174) & Order (CRM-175).
4. **File the Forms.** The original Petition (CRM-174) is filed with the court, along with all copies of the Order (CRM-175). *North County, East County, South County:* File forms in the Criminal Business Office. *Central Division (Downtown San Diego):* File forms with the clerk in Department 11 Business Office if you were convicted of a felony. File in Room 1001 Business Office, if you were convicted of a misdemeanor.
5. **Deliver a copy of the Petition.** Deliver one copy of the Petition (CRM-174) to the Probation Department and deliver one copy to the District Attorney/City Attorney. Keep a copy for yourself. In all courts, the clerk will send a copy of the original Petition to the Probation Department and retain all copies of the Order.
6. **Mark your calendar.** As a general rule, hearings will be set at least 28 calendar days after the date of filing of the Petition to allow time for the requisite records check by the Probation Department. The hearing date and time will be set by the criminal processing clerks in North County, East County and South County and by the clerk in Department 11 Business Office for felonies or Room 1001 Business Office for misdemeanors in the Central Division.
7. **Attend the hearing.** The court will review your petition and determine whether it is appropriate to dismiss the charges.
8. **Be Advised.** The relief granted by this law does not seal, destroy, or remove any entries from your record, but is a termination of your probation and a dismissal of the charges and convictions against you. You are released from all penalties and disabilities resulting from the conviction of the above-named offense, EXCEPT:
 - This relief does not permit you to own, possess, or have in your custody or control any firearm capable of being concealed upon your person and will not prevent a conviction under Penal Code 12021.
 - This relief does not relieve you of the obligation to disclose the arrest and conviction in response to any direct question contained in any questionnaire or application for public office, for a position as a peace officer as defined in Section 830, for licensure by any state or local agency, for contracting with the California State Lottery, or for purposes of serving on a jury.

District Attorney:

Central 330 W. Broadway, San Diego, CA 92101

East County 250 E. Main Street, El Cajon, CA 92020

North County 325 S. Melrose, Vista, CA 92081

South County 500 Third Avenue, Chula Vista, CA 91910

San Diego City Attorney:

1200 Third Ave, Suite 700, San Diego, CA 92101

Probation Department:

Central 330 W. Broadway, San Diego, CA 92101

East County 250 E. Main Street, El Cajon, CA 92020

North County 325 S. Melrose, Vista, CA 92081

South County 1727 Sweetwater Rd, Ste 200, Nat'l City, CA 91950