

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

**PETITION FOR DISMISSAL PACKET
PENAL CODE § 1203.4b**



FORMS INCLUDED IN THIS PACKET	
Petition for Dismissal – General Information (Pen. Code, § 1203.4b)	SDSC Form #CRM-326
Petition for Dismissal – Petition (Pen. Code, § 1203.4b)	SDSC Form #CRM-327



SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN DIEGO

- CENTRAL DIVISION, CENTRAL COURTHOUSE, 1100 UNION ST., 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

PETITION FOR DISMISSAL - GENERAL INFORMATION (PEN. CODE, § 1203.4b)

Eligibility	Pen. Code, § 1203.4b	<p>Defendant may be eligible for relief if:</p> <ul style="list-style-type: none"> ➤ Defendant successfully participated in the California Conservation Camp program as an incarcerated individual hand crew member; or, ➤ Defendant successfully participated as a member of a county incarcerated individual hand crew. ➤ Defendant has been released from custody. ➤ Defendant is not currently charged with the commission of any other offense. ➤ Defendant is not required to complete the term of probation, parole, or supervised release.
	Ineligible Violations	<p>Individuals who have been convicted of any of the following crimes are automatically ineligible for relief pursuant to this section:</p> <ul style="list-style-type: none"> ➤ Murder. ➤ Kidnapping. ➤ Rape as defined in Pen. Code, §§ 261(a)(2), 261(a)(6), 262(a)(1), or 262(a)(4). ➤ Lewd acts on a child under 14 years of age, as defined in PC § 288. ➤ Any felony punishable by death or imprisonment in the state prison for life. ➤ Any sex offense requiring registration pursuant to Pen. Code, § 290. ➤ Escape from a secure perimeter within the previous 10 years. ➤ Arson.
	Case Status	<p>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 case cannot have been dismissed previously.</p>
Application	Location	<p>The Petition for Dismissal must be filed in the court in which the matter was adjudicated.</p>
	Form	<ul style="list-style-type: none"> ➤ Petition for Dismissal - Petition (Pen. Code, § 1203.4b) (SDSC Form #CRM-327). ➤ A separate petition is required for each case. ➤ File one original and two copies.
	Court Costs	<p>No filing fee.</p>
	Supporting Documents	<p>Additional documents, such as a declaration, demonstrating why relief would be in the interest of justice may be submitted with the petition.</p>
	Notice to the Prosecuting Agency	<p>The defendant is required to give the prosecuting agency 15 calendar days' notice of the filing of the petition to allow time for the filing of an optional objection to the petition. It will be presumed that the prosecution was properly notified if a proof of service (e.g., Proof of Service – Criminal Record Clearing, (JC Form #CR-106)) is timely filed by the defendant with the court. If adequate notice is not given, the petition may be denied.</p>
	Processing Time	<p>A hearing date will be set out approximately 45 days from when the petition is filed. Typically, the court will rule on the petition at the time of the hearing.</p>
Granting of the Petition	<p>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/control of firearms; driver license revocation or suspension; holding public office; terms and conditions of any unexpired criminal protective order that has been issued by the court pursuant to Pen. Code, §§ 136.2(i)(1), 273.5(j), 368(l), or 646.9(k); or disclosure of the conviction on a questionnaire/application for licensure by the Commission on Teacher Credentialing, a position as a peace officer, public office, or contracting with the California State Lottery Commission. (See Pen. Code, §§ 1203.4b(b)(5), (c)(1), (d); Veh. Code, § 13555.)</p>	

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): TELEPHONE NO.: _____ FAX NO. (Optional): _____ EMAIL ADDRESS (Optional): _____ ATTORNEY FOR (Name): _____	(FOR COURT USE ONLY)
SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN DIEGO <input type="checkbox"/> CENTRAL DIVISION, CENTRAL COURTHOUSE, 1100 UNION ST., 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 – PETITION (Pen. Code, § 1203.4b)	SUPERIOR COURT CASE NUMBER

Defendant's date of birth: _____
 Booking No. (if known): _____
 California Department of Corrections and Rehabilitation (CDCR) No. (while in fire camp, if known): _____
 Name of fire camp (if known): _____
 Approximate dates in fire camp (if known): _____ (month/year) to _____ (month/year)

Petition for relief per Pen. Code, § 1203.4b:

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

- Defendant was not convicted of any of the following offenses: murder; kidnapping; rape (as defined in Pen. Code, § 261(a)(2), (6), or Pen. Code, § 262(a)(1), (4)); lewd acts on a child under 14 years of age (as defined in Pen. Code, § 288); any felony punishable by death or imprisonment in the state prison for life; any sex offense requiring registration pursuant to Pen. Code, § 290; escape from a secure perimeter within the previous 10 years; or arson.
- While serving a sentence in this case, defendant participated as a member of a fire camp incarcerated individual hand crew in (check one):
 - The California Conservation Camp program (operated by the CDCR)
 - A county incarcerated individual hand crew program (name of county): _____
- Defendant adequately performed the hand crew duties and did not engage in any conduct that warranted removal from the program.
- Defendant has been released from custody and is not currently charged with the commission of any other offense.
- Defendant is currently on (check one): probation parole supervised release in this case and requests early termination because defendant has not violated any terms or conditions of probation, parole, or supervised release prior to, and during the pendency of, this petition.
- Defendant is not currently on probation, parole, or supervised release in this case.
- Defendant requests to withdraw the plea of guilty or nolo contendere, or that the verdict or finding of guilt be set aside and a plea of not guilty be entered, and that the court dismiss this action under Pen. Code, § 1203.4b.

The defendant is required to give the prosecuting agency 15 calendar days' notice of the filing of the petition. If adequate notice is not given, the petition may be denied.

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

Date: _____

Type or print name

Signature of Defendant / Attorney for Defendant

DEFENDANT	CASE NUMBER
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NOTICE OF HEARING

Defendant's petition will be heard on _____ (date) at _____ (time) a.m. p.m. in Dept. _____.

Clerk of the Superior Court

Date: _____

by _____, Deputy

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