



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	<p>If one year has elapsed since the date of sentencing, petitioner may be eligible for relief if all of the following are met:</p> <ul style="list-style-type: none"> Petitioner has fully complied with and performed the sentence of the court. Petitioner is not currently serving a sentence for any offense. Petitioner is not currently charged with the commission of any offense. 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. 										
	Ineligible Violations	Convictions falling within the provisions of Vehicle Code section 42001 are not eligible for relief.										
	Case Status	<p>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:</p> <ul style="list-style-type: none"> Bail was forfeited and a plea was never entered. The case or charges were previously dismissed. 										
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 & 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"> Certified copies of the citation, complaint, conviction, and any clerk's minutes in the case. A Department of Justice abstract of petitioner's criminal history, which may be obtained by contacting: <table style="margin-left: 40px; border: none;"> <tr> <td style="padding-right: 20px;">California Department of Justice</td> <td>Telephone: (916) 227-3835</td> </tr> <tr> <td>Bureau of Criminal Identification and Analysis</td> <td></td> </tr> <tr> <td>Records Review and Challenge Section</td> <td>Website: http://oag.ca.gov/fingerprints/record-review</td> </tr> <tr> <td>P.O. Box 160207</td> <td></td> </tr> <tr> <td>Sacramento, CA 95816-0207</td> <td></td> </tr> </table> 		California Department of Justice	Telephone: (916) 227-3835	Bureau of Criminal Identification and Analysis		Records Review and Challenge Section	Website: http://oag.ca.gov/fingerprints/record-review	P.O. Box 160207		Sacramento, CA 95816-0207	
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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"> Prevent disclosure to a criminal justice agency. 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). 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). Permit a petitioner prohibited from holding public office as a result of the conviction to hold public office. 											