

**SUPERIOR COURT OF CALIFORNIA
COUNTY OF COLUSA**

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532 Oak Street

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Norbert Jaworski
Court Executive Officer
Clerk of the Court
Jury Commissioner
(530) 458-0683
Fax: (530) 458-2904

Date: _____

RE: Request for Information Concerning Petition to Withdraw Plea
Case No. _____

Dear Sir or Madam:

We are in receipt of your request for information concerning a Petition for Withdrawal of Plea and Entry of a Plea of Not Guilty.

We are enclosing a Petition form, Order and a copy of Penal Code Section 1203.4. It is strongly recommended that you read the copy of the Penal Code Section since you are responsible for its contents. Please fill out the Petition in its entirety and the top portion only of the Order. You must comply with the notice requirements contained in the Petition or the Court will be unable to consider your Petition.

These matters are heard at 8:30 a.m. on Tuesdays. The case will be calendared for Court three to four weeks from receipt of your Petition and Order, but you are not required to appear. If the District Attorney's Office notifies you that they will not be opposing your Petition, and they make that representation to the Court, the Petition will likely be granted without your presence. If the Court determines that your appearance is required you will be notified by the Court.

Please feel free to call if you have further questions concerning your matter, but please note the Clerk's office staff cannot give legal advice.

Very truly yours,
NORBERT JAWORSKI, Clerk of the Court

By _____
Deputy Clerk

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): TELEPHONE NO.: _____ FAX NO. (Optional): _____ E-MAIL ADDRESS (Optional): _____ ATTORNEY FOR (Name): _____	FOR COURT USE ONLY
PEOPLE OF THE STATE OF CALIFORNIA v. DEFENDANT:	
PETITION FOR DISMISSAL (Pen. Code, §§ 17, 1203.4, 1203.4a)	CASE NUMBER:
DEFENDANT'S INFORMATION	
CII: DRIVER'S LIC #: SSN # (LAST FOUR DIGITS ONLY): DATE OF BIRTH:	

1. On (date): _____ the defendant in the above-entitled criminal action was convicted of a violation of section(s) (specify): _____ of the (specify): _____ Code.

2. The offense was a misdemeanor felony.
 Felony offense (Pen. Code, § 17):

The offense listed above is a felony that may be reduced to a misdemeanor under Penal Code section 17.

3. Offense with probation granted (Pen. Code, § 1203.4):

Probation was granted on the terms and conditions set forth in the docket of the above-entitled court; the defendant is not serving a sentence for any offense, nor on probation for any offense, nor under charge of commission of any crime, and the defendant has

- a. fulfilled the conditions of probation for the entire period thereof.
- b. been discharged from probation prior to the termination of the period thereof.

4. Offense with sentence other than probation (Pen. Code, § 1203.4a):

Probation was not granted; more than one year has elapsed since the date of pronouncement of judgment. The defendant has complied with the sentence of the court and is not serving a sentence for any offense nor under charge of commission of any crime, and since said pronouncement of judgment has lived an honest and upright life and conformed to and obeyed the laws of the land.

Petitioner requests that defendant be permitted to withdraw the plea of guilty, or that the verdict or finding of guilt be set aside and a plea of not guilty be entered and the court dismiss this action under section 1203.4 or 1203.4a of the Penal Code.

Petitioner requests that the felony charge be reduced to a misdemeanor under Penal Code section 17.

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

Executed on: _____ at _____ California.

 (SIGNATURE OF PETITIONER OR ATTORNEY)

_____ (ADDRESS, DEFENDANT) _____ (CITY) _____ (STATE) _____ (ZIP CODE)

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): TELEPHONE NO.: _____ FAX NO. (Optional): _____ E-MAIL ADDRESS (Optional): _____ ATTORNEY FOR (Name): _____	FOR COURT USE ONLY
PEOPLE OF THE STATE OF CALIFORNIA v. DEFENDANT:	
ORDER FOR DISMISSAL (Pen. Code, §§ 17, 1203.4, 1203.4a)	CASE NUMBER:
DEFENDANT'S INFORMATION CII: DRIVER'S LIC #: SSN # (LAST FOUR DIGITS ONLY): DATE OF BIRTH:	

- The court denies the petition.
- The court grants the petition. The court finds from the records on file in this case, and from the foregoing petition, that the defendant is eligible for the relief requested.
- The court reduces the felony offense to a misdemeanor.
- It is ordered that the plea, verdict, or finding of guilt in the above-entitled action be set aside and vacated and a plea of not guilty be entered and that the complaint be, and is hereby, dismissed. If this order is granted under the provisions of Penal Code section 1203.4, the defendant is required to disclose the above conviction in response to any direct question contained in any questionnaire or application for public office or for licensure by any state or local agency, or for contracting with the California State Lottery. Further, if this order is granted under the provisions of Penal Code section 1203.4, the defendant may also be eligible to obtain a certificate of rehabilitation and pardon under the procedure set forth in Penal Code section 4852.01 et seq.
- If the order is granted under the provisions of either Penal Code section 1203.4 or 1203.4a, the defendant is released from all penalties and disabilities resulting from the offense except as provided in Penal Code sections 12021 and 12021.1 and Vehicle Code section 13555. The dismissal does not permit a person to own, possess, or have in his or her control a firearm if prevented by Penal Code sections 12021 or 12021.1. In addition, as required by Penal Code section 299(f), relief under Penal Code sections 17, 1203.4, or 1203.4a does *not* release defendant from the separate administrative duty to provide specimens, samples, or print impressions under the DNA and Forensic Identification Database and Data Bank Act (Pen. Code, § 295 et seq.) if defendant was found guilty by a trier of fact, not guilty by reason of insanity, or pled no contest to a qualifying offense as defined in Penal Code section 296(a).

Date:

(JUDICIAL OFFICER)

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