



INSTRUCTIONS TO THE PUBLIC PETITION AND ORDER FOR EXPUNGEMENT

Legal Reference: PC1203.4 and PC1203.4a

REVIEW

This packet contains:

- Petition and Order to Change Plea.
- Declaration of Service
- Advisement of Exceptions (Felony)

DO THIS

- You will complete the Petition and Order to Change Plea by filling in all the appropriate boxes on page 1 and the heading portion only on page 2.
- You will complete the Advisement of Exceptions for felony cases only
- You will pay a filing fee of \$120.00 if probation was granted and \$60.00 if you were not placed on probation. If you cannot afford to pay the fee at one time, you will be asked to complete a financial declaration. This documentation will be presented to the judge hearing the petition for determination of whether the amount(s) can be paid, if any, without undue hardship.

The fee is applicable for each case, not each defendant, i.e. should a person request expungement of two (2) cases, a fee would be collected for each case.

- You will make four (4) copies of the Petition. One (1) copy is to be served on the District Attorney's office and one (1) copy served on the Probation Department (if you were granted probation) & one (1) copy will be kept in the court's file to be returned to you following the hearing and one (1) copy for your records. You will have the the petition served by someone other than yourself who is over the age of 18 years! The person serving the document will complete the proof of service, sign and date it.
- Return the documents to the Court (the original Petition and Order with the completed Proof of Service.
- Once all the above is completed, your Petition will be placed on the Courts' calendar for hearing.

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)

SUPERIOR COURT OF CALIFORNIA
COUNTY OF BUTTE

PEOPLE OF THE STATE OF CALIFORNIA,

Plaintiff,

vs.

Defendant.

CASE NO: _____

PROBATION NO: _____

ADVISEMENT OF EXCEPTIONS
(PENAL CODE §1203.4) FELONY

Defendant: Pursuant to Penal Code Section 1203.4, you are hereby advised of the following exceptions to the release from penalties and disabilities granted by the Court's *Order to Change Plea and Dismiss Charges After Termination of Probation*. Read each exception. Initial each item that you have read and understand. You may wish to consult your attorney.

READ THIS FORM CAREFULLY – DO NOT INITIAL ANYTHING YOU DO NOT UNDERSTAND

- 1. Notwithstanding this order, in any subsequent prosecution for any other offense this prior conviction may be pleaded and proved and shall have the same effect as if probation had not been granted or the accusation or information dismissed (Penal Code §1203.4).
- 2. This order does not relieve me of the obligation to disclose the 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 (Penal Code 1203.4).
- 3. This order does not permit me to own, possess, or have in my custody or control any firearm whatsoever, or prevent a conviction under Penal Code §12021 (Penal Code §1203.4). Defendant is additionally warned that it is illegal under federal law to receive, possess, or transport any firearm involved in interstate commerce (i.e. not manufactured exclusively within the state wherein it is received, possessed, or transported) (18 U.S.C., 922).
- 4. If I have been convicted of a Vehicle Code violation, a termination of probation and dismissal of charges pursuant to Penal Code §1203.4 does not affect any revocation or suspension of my privilege to drive a motor vehicle. This prior conviction shall be considered a conviction for the purpose of revoking or suspending or otherwise limiting such privilege on the ground of two or more convictions (Vehicle Code §13555 and Penal Code §1203.4).
- 5. If I have been convicted of a felony sex offense, this order does not relieve me of the registration requirements specified in Penal Code §290 (Penal Code §290.1).
- 6. If I have been convicted of a felony, this order does not permit me to be employed as a peace officer (Government Code §1029(a)).

Defendant's Statement

I declare that I have read, understood, and initialed each of the foregoing exceptions to release from penalties and disabilities granted by the Court's *Order to Change Plea and Dismiss Charges After Termination of Probation*.

(Date)

(Defendant's Signature)

**SUPERIOR COURT OF CALIFORNIA
COUNTY OF BUTTE**

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

PEOPLE OF THE STATE OF CALIFORNIA,)
Plaintiffs)
) CASE NO.: _____
)
vs.) PROOF OF SERVICE ON
) PETITION & ORDER TO
_____,) CHANGE PLEA
Defendant) (PC1203.4/1203.4a)

I am a citizen of the United States and a resident of Butte County, California. I am over the age of eighteen (18) years and not a party to the within action.

- I served copies of the Petition and Order To Change Plea on
- The Butte County District Attorney's office at 25 County Center Drive Oroville, California 95965
 - The Butte County Probation Department at 42 County Center Drive Oroville, California 95965

- I served the parties above by
- Personally delivering copies on _____ at _____ am/pm
(date) (time)
 - By mailing copies to the places of business above by first-class mail, postage prepaid on _____ from _____, California.
(date) (city)

Person serving: _____
(name)

(address -City, State, Zip Code)

(telephone number)

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

Date: _____ Signature _____