

**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>Petitioner may be eligible for relief if:</p> <ul style="list-style-type: none"> • While serving a sentence in this case, successfully participated in one of the following: <ul style="list-style-type: none"> ○ California Conservation Camp Program as an incarcerated individual hand crew member. ○ An institutional firehouse operated by CA Dept. of Corrections and Rehabilitation. ○ As a member of a county incarcerated individual hand crew. • Petitioner adequately performed the hand crew duties and did not engage in any conduct that warranted removal from the program. • Petitioner has been released from custody. • Petitioner is not currently charged with the commission of any other offense. <p>Petitioner is not required to complete the term of probation, parole, or supervised release.</p>
	Ineligible Violations	<p>Convictions for any of the following offenses are ineligible for relief: murder; kidnapping; rape (as defined in Penal Code sections 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 Penal Code section 288); any felony punishable by death or imprisonment in state prison for life; any sex offense requiring registration pursuant to Penal Code section 290; escape from a secure perimeter within the previous 10 years; or arson.</p>
	Case Status	<p>The case must be an adjudicated matter. This means that petitioner has either entered a plea of guilty or no contest, or a guilty verdict was entered, and petitioner was sentenced. The case or charges were not previously dismissed.</p>
Petition	Location	<p>The petition for dismissal must be filed in the court in which the matter was adjudicated.</p>
	Form	<p>Court policy requires the filing of a Petition for Dismissal – Petition (Pen. Code, § 1203.4b) (SDSC Form #CRM-327). A separate petition must be submitted for each case number.</p>
	Supporting Documents	<p>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.</p>
	Providing Notice	<p>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 petition filed.</p>
	Processing Time	<p>A hearing date will be set approximately 60 days from date the petition is filed. Typically, the court will rule on the petition at the time of the hearing.</p>
Granting of the Petition	<p>If granted, a notation will be entered on the record, but granting relief does not:</p> <ul style="list-style-type: none"> • Seal, destroy, or remove any entries from the court, law enforcement, or Department of Justice records, and the conviction may be pled and proved as a prior conviction in a subsequent case; • Relieve the petitioner of obligations/consequences related to possession/control of firearms (Pen. Code, § 29800 et seq) or driver license revocation (Veh. Code, § 13555); • Remove the obligation to disclose the conviction in an 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; • Permit a petitioner prohibited from holding office as a result of the conviction to hold public office; • Relieve petitioner of the duty to register as a sex offender (Pen. Code, § 290.5); or 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). 	

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): TELEPHONE NO.: _____ FAX NO. (Optional): _____ EMAIL ADDRESS (Optional): _____ ATTORNEY FOR (Name): _____	<i>FOR COURT USE ONLY</i>
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	

Petitioner's (the defendant in the above-entitled case) date of birth: _____
 Booking No. (if known): _____
 California Department of Corrections and Rehabilitation (CDCR) No. (while in fire camp/firehouse, if known): _____
 Name of fire camp/firehouse (if known): _____
 Approximate dates of participation in fire camp/firehouse (if known): _____ (month/year) to _____ (month/year)

- Petitioner is entitled to the relief requested based on the following:
- Petitioner was not convicted of any of the following offenses: murder; kidnapping; rape (as defined in Penal Code sections 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 Penal Code section 288); any felony punishable by death or imprisonment in state prison for life; any sex offense requiring registration pursuant to Penal Code section 290; escape from a secure perimeter within the previous 10 years; or arson.
 - While serving a sentence in this case, the petitioner successfully participated (check one):
 - In the California Conservation Camp Program as an incarcerated individual hand crew member.
 - At an institutional firehouse operated by the CDCR.
 - As a member of a county incarcerated individual hand crew (name of county): _____.
 - Petitioner adequately performed the hand crew duties and did not engage in any conduct that warranted removal from the program.
 - Petitioner has been released from custody and is not currently charged with the commission of any other offense.
 - Petitioner is currently on (check one): probation parole supervised release in this case and requests early termination because the petitioner has not violated any terms or conditions of probation, parole, or supervised release prior to, and during the pendency of, this petition.
 - Petitioner is not currently on probation, parole, or supervised release in this case.
 - Petitioner 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 Penal Code section 1203.4b.

Petitioner 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 Petitioner / Attorney for Petitioner

NOTICE OF HEARING

Hearing on the petition is scheduled on _____ (date) at _____ (time) a.m. p.m. in Dept. _____ of the _____ Division of the San Diego Superior Court.

Clerk of the Superior Court

Date: _____

by _____, Deputy

Distribution by: _____ on _____ to Prosecutor – Courtesy Copy Petitioner Attorney