

Petition for Dismissal (Expungement) pursuant to Penal Code 1203.4 or 1203.4a

If you were convicted of a misdemeanor or a felony, and not sentenced to state prison, and you have completed the terms of your sentence, you may file a petition pursuant to Penal Code Section 1203.4 or 1203.4a. Many criminal offenses can be dismissed from your record. Certain convictions are not eligible for dismissal.

PC 1203.4 -- Successful completion of Probation

After successful completion or early termination of probation, you may petition the court to dismiss the charges under Penal Code §1203.4. To be eligible for consideration pursuant to Penal Code 1203.4, you must not be serving a sentence for any offense, be on probation for any offense, or be charged with the commission of any offense. (If you are still on probation you may petition the court for an early termination of probation. The judge, in the interest of justice, may grant an early termination of probation).

PC 1203.4a – Not placed on Probation

If you were convicted of a misdemeanor and not granted probation or convicted of an infraction, and more than one year has elapsed since the date of pronouncement of judgment, you may petition the court to dismiss the charges under Penal Code 1203.4a. To be eligible for consideration pursuant to Penal Code 1203.4a, you must have complied with the court sentence; you are not serving a sentence for any offense nor under charge of commission of any crime.

Upon Granting the Petition, the Court Will Order That:

- The conviction be set aside;
- A plea of not guilty be entered and,
- The case be dismissed pursuant to the applicable Penal Code section (§1203.4 or §1203.4a)

The Granting of the Petition does NOT:

- Affect DMV actions or future consequences for crimes involving operation of a motor vehicle.
- Permit you to own, possess, or have in your custody or control any firearm.
- Relieve you from any obligation to register under Penal Code §290.
- Seal your record, destroy or remove any entries from the court, law enforcement, Department of Justice or Department of Motor Vehicles. The case, including the conviction will remain public record.

This *INFORMATION* is for general use and is not intended as a complete statement of the laws and rules relating to relief granted under Penal Code §1203.4 and 1203.4a. For further information, you may refer to Penal Code §1203.4 and 1203.4a, visit the California Courts website at <http://www.courts.ca.gov> or you may wish to seek legal assistance.

See reverse for how to file

HOW TO FILE FOR DISMISSAL

Step 1: **Complete the Petition for Dismissal (CR-180), Order for Dismissal (CR-181) (top portion only) and Proof of Service form.**
(Incomplete forms will not be processed and will be returned for correction.)

Step 2: **Submit the Original and 2 copies of the Petition for Dismissal and the Original Order for Dismissal forms to the Clerk's office. When submitting forms:**

- in person - provide **1** self addressed stamped envelope.
- by mail - include **2** self addressed stamped envelopes.

Pay a reimbursement fee of \$100.00 for the Petition filed pursuant to Penal Code §1203.4 (probation completed) or \$60.00 for a Petition filed pursuant to Penal Code §1203.4a (not placed on probation.)**

The Court will return 2 copies of the filed Petition to you with the court date information.

Step 3: **Serve** (hand deliver or mail) **a filed Copy of the Petition for Dismissal** form (this is the copy returned to you from Step 2 above) to the San Joaquin County District Attorney's office. The document must be served at least 12 weeks prior to the court date on cases with felony charges and at least 3 weeks prior to the court date on cases with misdemeanor charges.

Step 4: Submit (hand deliver or mail) the Original **Proof of Service** to the Clerk's office at least 2 weeks prior to the court date. Failure to do so may cause the case to be dropped from calendar or continued.

***If you do not have the ability to pay the fee, you may file a Financial Declaration with the Petition for Dismissal. The Court will process the Petition for Dismissal whether or not a fee is paid. The Court will make a determination of your ability to reimburse all or a portion of the cost. The Order for Dismissal **will not** be processed until the reimbursement fee is paid.*

Please note: If you were convicted of a **Felony**, the District Attorney may request reimbursement in a sum not to exceed \$120.00.

If your conviction occurred prior to 1990 you will need to submit your criminal history record (RAP sheet). To do this, visit the State of California Department of Justice, Office of the Attorney General website at <https://oag.ca.gov/fingerprints/security> or call (916) 227-3849.

Your Petition will be heard in the court in which it was adjudicated. If adjudicated in the Tracy Branch you will file your Petition in the Manteca Branch Court.

Stockton Superior Court
Mailing:
Superior Court of California – San Joaquin
Criminal Department
180 E Weber Ave Ste 202
Street:
180 E Weber Ave
Stockton CA 95202

Lodi Superior Court
Mailing:
315 W Elm St
Street:
217 W Elm St
Lodi CA 94240

Manteca Superior Court
315 E Center St
Manteca CA 95336