



**SUPERIOR COURT OF CALIFORNIA  
COUNTY OF ORANGE  
SELF-HELP CENTER**

**[www.occourts.org](http://www.occourts.org)**

**PETITION FOR DISMISSAL  
UNDER PENAL CODE §§ 17(b); 17(d)(2); 1203.4;  
1203.4a; 1203.41 and 1203.49**

**All documents must be typed or printed neatly.**

**Please use black ink.**

**Self-Help Center Locations:**

Lamoreaux Justice Center

1<sup>st</sup> Floor

341 The City Drive

Orange, CA



Central Justice Center

Room G-100

700 Civic Center Drive

Santa Ana, CA



Superior Court

Service Center

27573 Puerta Real

Mission Viejo, CA

Harbor Justice Center

Room 150

4601 Jamboree Rd

Newport Beach, CA

North Justice Center

Room 360

1275 N. Berkeley Ave.

Fullerton, CA



ATTORNEY OR PARTY WITHOUT ATTORNEY: _____ STATE BAR NO.: _____ NAME: FIRM NAME: STREET ADDRESS: CITY: _____ STATE: _____ ZIP CODE: _____ TELEPHONE NO.: _____ FAX NO.: _____ E-MAIL ADDRESS: ATTORNEY FOR (name): _____	<b>FOR COURT USE ONLY</b>
PEOPLE OF THE STATE OF CALIFORNIA v. DEFENDANT: _____ DATE OF BIRTH: _____	CASE NUMBER: _____
<b>PETITION FOR DISMISSAL</b> <b>(Pen. Code, §§ 17(b), 17(d)(2), 1203.4, 1203.4a, 1203.41, 1203.49)</b>	<b>FOR COURT USE ONLY</b> Date: Time: Department:

1. On (date): \_\_\_\_\_, the petitioner (the defendant in the above-entitled criminal action) was convicted of a violation of the following offenses:

Code	Section	Type of offense: (Felony; Misdemeanor; Infraction)	Eligible for reduction to misdemeanor under Penal Code § 17(b) (Yes or No)	Eligible for reduction to infraction under Penal Code § 17(d)(2) (Yes or No)

If additional space is needed for listing offenses, use Attachment to Judicial Council Form (form MC-025).

2.  **Felony or misdemeanor 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 petitioner is not serving a sentence for any offense, nor on probation for any offense, nor under charge of commission of any crime, and the petitioner (check all that apply):

- a.  has fulfilled the conditions of probation for the entire period thereof;
- b.  has been discharged from probation prior to the termination of the period thereof;
- c.  should be granted relief in the interests of justice. (Please note: You must explain why granting a dismissal would be in the interests of justice. You may complete and attach the Attached Declaration (form MC-031) or submit other relevant documents.)

3.  **Misdemeanor or infraction 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 petitioner has complied with the sentence of the court and is not serving a sentence for any offense or under charge of commission of any crime; and the petitioner (check one):

- a.  has lived an honest and upright life since pronouncement of judgment and conformed to and obeyed the laws of the land; **or**
- b.  should be granted relief in the interests of justice. (Please note: You must explain why granting a dismissal would be in the interests of justice. You may complete and attach the Attached Declaration (form MC-031) or submit other relevant documents.)

PEOPLE OF THE STATE OF CALIFORNIA v. DEFENDANT:	CASE NUMBER:
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4.  **Misdemeanor conviction under Penal Code section 647(b) (Pen. Code, § 1203.49)**

The petitioner has completed a term of probation for a conviction under Penal Code section 647(b).

The petitioner should be granted relief because the petitioner can establish by clear and convincing evidence that the conviction was the result of his or her status as a victim of human trafficking. *(Please note: You may complete and attach the Attached Declaration (form MC-031) or submit other relevant documents to establish that the conviction was the result of your status as a victim of human trafficking.)*

5.  **Felony county jail sentence under Penal Code section 1170(h)(5) (Pen. Code, § 1203.41)**

The petitioner is not under supervision under Penal Code section 1170(h)(5)(B) and is not serving a sentence for, on probation for, or charged with the commission of any offense, and should be granted relief in the interests of justice, and *(check one)*:

- a.  more than one year has elapsed since petitioner completed the felony county jail sentence **with** a period of mandatory supervision imposed under Penal Code section 1170(h)(5)(B); **or**
- b.  more than two years have elapsed since petitioner completed the felony county jail sentence **without** a period of mandatory supervision imposed under Penal Code section 1170(h)(5)(A).

*(Please note: You must explain why granting a dismissal would be in the interests of justice. You may complete and attach the Attached Declaration (form MC-031) or submit other relevant documents.)*

Petitioner requests that the eligible felony offenses listed above be reduced to misdemeanors under Penal Code section 17(b) and eligible misdemeanor offenses be reduced to infractions under Penal Code section 17(d)(2).

Petitioner requests that he/she 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,  1203.4a,  1203.41, or  1203.49 of the Penal Code.

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

Executed on: \_\_\_\_\_  
(DATE)

 \_\_\_\_\_  
(SIGNATURE OF PETITIONER OR ATTORNEY)

\_\_\_\_\_  
(ADDRESS, PETITIONER)

\_\_\_\_\_  
(CITY) (STATE) (ZIP CODE)

SHORT TITLE: <hr/>	CASE NUMBER:
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**ATTACHMENT** (Number): \_\_\_\_\_

*(This Attachment may be used with any Judicial Council form.)*

*(If the item that this Attachment concerns is made under penalty of perjury, all statements in this Attachment are made under penalty of perjury.)*

Page \_\_\_\_\_ of \_\_\_\_\_

*(Add pages as required)*



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- 6. If this order is granted under the provisions of Penal Code section 1203.4 or 1203.41:
  - a. The petitioner 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 Commission.
  - b. Dismissal of the conviction does not *automatically* relieve petitioner from the requirement to register as a sex offender. (See, e.g., Pen. Code, § 290.5.)
  
- 7. If the order is granted under the provisions of Penal Code section 1203.49, the Department of Justice is hereby notified that the petitioner was a victim of human trafficking when he or she committed the crime, and the relief ordered.
  
- 8. If the order is granted under the provisions of either Penal Code section 1203.4, 1203.4a, 1203.41, or 1203.49, the petitioner is released from all penalties and disabilities resulting from the offense except as provided in Penal Code sections 29800 and 29900 (formerly sections 12021 and 12021.1) and Vehicle Code section 13555. In any subsequent prosecution of the petitioner for any other offense, the 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. 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 29800 or 29900 (formerly sections 12021 and 12021.1). Dismissal of a conviction does not permit a person prohibited from holding public office as a result of that conviction to hold public office.
  
- 9. In addition, as required by Penal Code section 299(f), relief under Penal Code sections 17(b), 17(d)(2), 1203.4, 1203.4a, 1203.41, or 1203.49 does *not* release petitioner 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 petitioner 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).

<i>FOR COURT USE ONLY</i>
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Date:

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(JUDICIAL OFFICER)

<b>SUPERIOR COURT OF CALIFORNIA, COUNTY OF</b> _____ STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	FOR COURT USE ONLY          
<b>PEOPLE OF THE STATE OF CALIFORNIA v.</b> <b>DEFENDANT:</b>	
<b>DEFENDANT'S FINANCIAL STATEMENT AND NOTICE TO DEFENDANT</b> <i>(check all that apply)</i> <input type="checkbox"/> <b>ELIGIBILITY FOR APPOINTMENT OF COUNSEL</b> <input type="checkbox"/> <b>REIMBURSEMENT FOR COST OF COURT-APPOINTED COUNSEL</b> <input type="checkbox"/> <b>ELIGIBILITY FOR RECORD ON APPEAL AT PUBLIC EXPENSE</b>	CASE NUMBER: _____

1. a. Defendant's name: \_\_\_\_\_ d. Date of birth: \_\_\_\_\_  
 b. Other names used: \_\_\_\_\_ e. Telephone number: \_\_\_\_\_  
 f. Driver's license number: \_\_\_\_\_  
 c. Address: \_\_\_\_\_

2. Defendant's present employment:  
 a. Occupation:  
 b. Name of employer:  
 c. Address:  
 d. Gross pay per month: \$ \_\_\_\_\_ week: \$ \_\_\_\_\_ day: \$ \_\_\_\_\_  
 e. Take-home pay per month: \$ \_\_\_\_\_ week: \$ \_\_\_\_\_ day: \$ \_\_\_\_\_  
 f. Name of union: \_\_\_\_\_  
 g. Name of credit union: \_\_\_\_\_

3. *If defendant is not now working, state the name and address of defendant's last employer and the last date defendant was employed.*  
 a. Name: \_\_\_\_\_  
 b. Address: \_\_\_\_\_  
 c. Last date of employment: \_\_\_\_\_

4. Defendant  is  is not married.

5. a. Spouse's name: \_\_\_\_\_ d. Date of birth: \_\_\_\_\_  
 b. Other names used: \_\_\_\_\_ e. Telephone number: \_\_\_\_\_  
 f. Driver's license number: \_\_\_\_\_  
 c. Address: \_\_\_\_\_

6. Spouse's present employment  
 a. Occupation:  
 b. Name of employer:  
 c. Address:  
 d. Gross pay per month: \$ \_\_\_\_\_ week: \$ \_\_\_\_\_ day: \$ \_\_\_\_\_  
 e. Take-home pay per month: \$ \_\_\_\_\_ week: \$ \_\_\_\_\_ day: \$ \_\_\_\_\_  
 f. Name of union: \_\_\_\_\_  
 g. Name of credit union: \_\_\_\_\_

7. *If spouse is not now working, state the name and address of spouse's last employer and the last date spouse was employed.*  
 a. Name: \_\_\_\_\_  
 b. Address: \_\_\_\_\_  
 c. Last date of employment: \_\_\_\_\_

8. Dependents

<u>Name</u>	<u>Address</u>	<u>Relationship</u>	<u>Age</u>
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PEOPLE OF THE STATE OF CALIFORNIA v. DEFENDANT:

CASE NUMBER:

Table with 2 columns: Defendant and Spouse. Rows include Unemployment and disability, Social Security, Welfare, TANF, Veteran's benefits, Worker's compensation, Child support payments, Spousal support payments, and All other income not elsewhere listed. Includes Total: \$ for each column.

Table for EXPENSES. Rows include Rent or house payments, Car payments, Transportation payments, Medical and dental payments, Loan payments, Clothing and laundry, Food, Support payments, Insurance payments, and Other payments (union, taxes, utilities). Includes Total (a-j): \$.

Table for installment payments. Header: Name of Creditor, Monthly Payment, Balance Owed. Rows a-e for creditor information. Includes Total: \$.

Table for ASSETS. Rows include Cash, House equity, Cars, other vehicles and boat equity, Checking, savings, and credit union accounts, Other real estate equity, Income tax refunds due, Life insurance policies, and Other personal property. Includes Total: \$ and Length of ownership.

13. ELIGIBILITY FOR APPOINTMENT OF COUNSEL AND NOTICE TO DEFENDANT: If an attorney is appointed to represent you, the court will, at the conclusion of the criminal proceedings, after a hearing, make a determination of your ability to pay all or a portion of the cost of the attorney.

Declaration of Defendant

I declare under penalty of perjury that the foregoing is true and correct, and that I understand the notice contained in item 13, under the laws of the state of California.

Date: \_\_\_\_\_ (Signature of Defendant)