



## 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>Defendant may be eligible for relief if:</p> <ul style="list-style-type: none"> <li>➤ Defendant successfully participated in the California Conservation Camp program as an incarcerated individual hand crew member; or,</li> <li>➤ Defendant successfully participated as a member of a county incarcerated individual hand crew.</li> <li>➤ Defendant has been released from custody.</li> <li>➤ Defendant is not currently charged with the commission of any other offense.</li> <li>➤ Defendant is not required to complete the term of probation, parole, or supervised release.</li> </ul>
	Ineligible Violations	<p>Individuals who have been convicted of any of the following crimes are automatically ineligible for relief pursuant to this section:</p> <ul style="list-style-type: none"> <li>➤ Murder.</li> <li>➤ Kidnapping.</li> <li>➤ Rape as defined in Pen. Code, §§ 261(a)(2), 261(a)(6), 262(a)(1), or 262(a)(4).</li> <li>➤ Lewd acts on a child under 14 years of age, as defined in PC § 288.</li> <li>➤ Any felony punishable by death or imprisonment in the state prison for life.</li> <li>➤ Any sex offense requiring registration pursuant to Pen. Code, § 290.</li> <li>➤ Escape from a secure perimeter within the previous 10 years.</li> <li>➤ Arson.</li> </ul>
	Case Status	<p>The case must be an ADJUDICATED MATTER. This means that defendant has either entered a plea of guilty or no contest, or a guilty verdict was entered, and defendant was sentenced. The case cannot have been dismissed previously.</p>
Application	Location	<p>The Petition for Dismissal must be filed in the court in which the matter was adjudicated.</p>
	Form	<ul style="list-style-type: none"> <li>➤ Petition for Dismissal - Petition (Pen. Code, § 1203.4b) (SDSC Form #CRM-327).</li> <li>➤ A separate petition is required for each case.</li> <li>➤ File one original and two copies.</li> </ul>
	Court Costs	<p>No filing fee.</p>
	Supporting Documents	<p>Additional documents, such as a declaration, demonstrating why relief would be in the interest of justice may be submitted with the petition.</p>
	Notice to the Prosecuting Agency	<p>The defendant is required to give the prosecuting agency 15 calendar days' notice of the filing of the petition to allow time for the filing of an optional objection to the petition. It will be presumed that the prosecution was properly notified if a proof of service (e.g., Proof of Service – Criminal Record Clearing, (JC Form #CR-106)) is timely filed by the defendant with the court. If adequate notice is not given, the petition may be denied.</p>
	Processing Time	<p>A hearing date will be set out approximately 45 days from when the petition is filed. Typically, the court will rule on the petition at the time of the hearing.</p>
Granting of the Petition	<p>A notation will be entered on the record that relief was granted, but granting relief does NOT seal, destroy, or remove any entries from the court, law enforcement, or Department of Justice records. Nor does it relieve the defendant of obligations/consequences related to possession/control of firearms; driver license revocation or suspension; holding public office; terms and conditions of any unexpired criminal protective order that has been issued by the court pursuant to Pen. Code, §§ 136.2(i)(1), 273.5(j), 368(l), or 646.9(k); or disclosure of the conviction on a questionnaire/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. (See Pen. Code, §§ 1203.4b(b)(5), (c)(1), (d); Veh. Code, § 13555.)</p>	