

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):	FOR COURT USE ONLY
PEOPLE OF THE STATE OF CALIFORNIA v. DEFENDANT: DATE OF BIRTH:	CASE NUMBER:
PETITION FOR DISMISSAL (Pen. Code, §§ 17(b), 17(d)(2), 1203.4, 1203.4a, 1203.41, 1203.49)	FOR COURT USE ONLY 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.)

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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)

FRESNO SUPERIOR COURT
REQUEST FOR RECORD VIA CLETS

CII FBI DMV

Requested by: _____ Date: _____
Court Case #: _____
CII#: _____ FBI#: _____ CDL#: _____
Charge(s): _____

PLEASE COMPLETE THE FOLLOWING, PROVIDE AS MUCH IDENTIFYING INFORMATION IN
REGARD TO THE SUBJECT OF THE RECORD, AS POSSIBLE:

Last Name: _____ First Name: _____ Middle Initial: _____

Alias(es): _____

Address: _____

Sex: _____ DOB: _____ POB: _____ Race: _____

Hair: _____ Eyes: _____ Height: _____ Weight: _____

SS#: _____

Other information which might aid in identifying individual (such as I.D. #): _____

THIS REQUEST IS FOR THE PURPOSE INDICATED BELOW:

Special report to the court

(Sections below are reserved for use by the individual generating the CLETS request.)

THE RESULT OF THIS REQUEST FOR RECORD IS AS FOLLOWS:

No record available through CLETS

Response from: CII FBI DMV

Sent for Admin Record

DATE PROCESSED: _____

California Only

PROCESSED BY: _____

Multi

[] CLETS DESTROYED

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

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

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: _____
 c. Address: _____ f. Driver's license number: _____

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

Name	Address	Relationship	Age

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9.	<u>Defendant</u>	OTHER MONTHLY INCOME	<u>Spouse</u>
	a. Unemployment and disability	\$ _____	a. Unemployment and disability
	b. Social Security	\$ _____	b. Social Security
	c. Welfare, TANF	\$ _____	c. Welfare, TANF
	d. Veteran's benefits	\$ _____	d. Veteran's benefits
	e. Worker's compensation	\$ _____	e. Worker's compensation
	f. Child support payments	\$ _____	f. Child support payments
	g. Spousal support payments	\$ _____	g. Spousal support payments
	h. All other income not elsewhere listed ...	\$ _____	h. All other income not elsewhere listed ...
	Total: \$	_____	Total: \$

EXPENSES			
10. Monthly expenses being paid by defendant alone or by defendant and spouse			
	a. Rent or house payments	\$ _____	f. Clothing and laundry
	b. Car payments	\$ _____	g. Food
	c. Transportation payments	\$ _____	h. Support payments
	d. Medical and dental payments	\$ _____	i. Insurance payments
	e. Loan payments	\$ _____	j. Other payments (union, taxes, utilities) ...
			Total (a-j): \$

11. Installment payments other than those listed in item 10.			
	<u>Name of Creditor</u>	<u>Monthly Payment</u>	<u>Balance Owed</u>
a.	_____	\$ _____	\$ _____
b.	_____	\$ _____	\$ _____
c.	_____	\$ _____	\$ _____
d.	_____	\$ _____	\$ _____
e.	_____	\$ _____	\$ _____
		Total: \$	Total: \$

12. What do you own? (State value):			
ASSETS			
	a. Cash	\$ _____	
	b. House equity	\$ _____	
	c. Cars, other vehicles and boat equity	\$ _____	
	<i>(List make, year, and license number of each)</i>		
	d. Checking, savings, and credit union accounts	\$ _____	
	<i>(List name and account number of each)</i>		
	e. Other real estate equity	\$ _____	
	f. Income tax refunds due	\$ _____	
	g. Life insurance policies (ordinary life, face value)	\$ _____	Length of ownership _____
	h. Other personal property (jewelry, furniture, furs, stocks and bonds, etc.)	\$ _____	
		Total: \$	

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. If the court determines that you are at that time able to pay, the court will order you to pay all or part of such cost. Such an order will have the same force and effect as a judgment in a civil action and will be subject to execution.

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)

SUPERIOR COURT OF CALIFORNIA · COUNTY OF FRESNO Criminal Department, Central Division 1100 Van Ness Avenue Fresno, California 93724-0002	FOR COURT USE ONLY
PEOPLE OF THE STATE OF CALIFORNIA, PLAINTIFF vs. <div style="text-align: right;">, DEFENDANT</div>	
PROOF OF SERVICE	CASE NUMBER: _____

1. At the time of service I was at least 18 years of age and **not** a party to this legal action.
2. I am a resident of or employed in the county where the mailing occurred. The document was mailed from Fresno, California.
3. My residence business address is (specify): _____
4. On _____, I served the document described as _____

on the interested parties in this action by placing a true copy thereof enclosed in sealed envelopes addressed as follows: (fill in the date and name of the document you mailed or delivered and complete either a. or b.):

- (1) Person served:
 - (a) Name: _____
 - (b) Address: _____
- (2) Person served:
 - (a) Name: _____
 - (b) Address: _____
- (3) Person served:
 - (a) Name: _____
 - (b) Address: _____

- A. **Mail.** I mailed a copy of the document identified above as follows:
- (1) I enclosed a copy of the document identified above in a sealed envelope
 - (a) **deposited** the envelope(s) with the U.S. Postal Service, with the postage fully prepaid.
 - (b) **placed** the envelope(s) for collection and mailing on the date and at the place shown in items above, following our ordinary business practices. I am readily familiar with this business's practice of collecting and processing correspondence for mailing. On the same day that the correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the U.S. Postal Service, in a sealed envelope(s) with postage fully prepaid.
 - (c) Date mailed: _____
- B. **Personal Delivery.** I personally delivered a copy of the document identified above.

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

Date: _____

 (TYPE OR PRINT NAME OF PERSON COMPLETING THIS FORM) ▶ (SIGNATURE OF PERSON COMPLETING THIS FORM)

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 (<i>name</i>): _____	FOR COURT USE ONLY
PEOPLE OF THE STATE OF CALIFORNIA v. DEFENDANT: _____ DATE OF BIRTH: _____	
ORDER FOR DISMISSAL (Pen. Code, §§ 17(b), 17(d)(2), 1203.4, 1203.4a, 1203.41, 1203.49)	CASE NUMBER: _____

The court finds from the records on file in this case, and from the foregoing petition, that the petitioner (*the defendant in the above-entitled criminal action*) is eligible for the following requested relief:

1. The court **GRANTS** the petition for reduction of a felony to a misdemeanor (maximum punishment of 364 days per Pen. Code, § 18.5) under Penal Code section 17(b) and/or for reduction of a misdemeanor to an infraction under Penal Code section 17(d)(2) and reduces the following convictions:
 - ALL FELONY CONVICTIONS in the above-entitled action;
 - ALL MISDEMEANOR CONVICTIONS in the above-entitled action; OR
 - Only the following convictions in the above-entitled action (*specify charges and date of conviction*):

2. The court **DENIES** the petition for reduction of a felony to a misdemeanor under Penal Code section 17(b) and/or for reduction of a misdemeanor to an infraction under Penal Code section 17(d)(2) for:
 - ALL FELONY CONVICTIONS in the above-entitled action;
 - ALL MISDEMEANOR CONVICTIONS in the above-entitled action; OR
 - Only the following convictions in the above-entitled action (*specify charges and date of conviction*):

3. The court **GRANTS** the petition for dismissal regarding the following convictions under Penal Code § 1203.4, or § 1203.4a, or § 1203.41, or § 1203.49, and it is ordered that the pleas, verdicts, or findings of guilt be set aside and vacated and a plea of not guilty be entered and that the complaint be, and is hereby, dismissed for:
 - ALL CONVICTIONS in the above-entitled action; or
 - Only the following convictions in the above-entitled action (*specify charges and date of conviction*):

4. The court **DENIES** the petition for dismissal regarding the following convictions under Penal Code § 1203.4, or § 1203.4a, or § 1203.41, or § 1203.49 for:
 - ALL CONVICTIONS in the above-entitled action; or
 - Only the following convictions in the above-entitled action (*specify charges and date of conviction*):

5. In granting this order under the provisions of Penal Code section 1203.49:
 - a. The court finds that the petitioner was a victim of human trafficking when he or she committed the crime.
 - b. The court orders the relief described in section 1203.4, or
 The court orders the relief described in section 1203.4, with the following exceptions (*specify*):

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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>

Date:

(JUDICIAL OFFICER)