



SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN DIEGO

- CENTRAL DIVISION, COUNTY COURTHOUSE, 220 W. BROADWAY, 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 (FELONY - PC 1203.4)

Eligibility	Pen. Code § 1203.4	<p>If probation was <u>granted</u>, defendant may be eligible for relief if all of the following are met:</p> <ul style="list-style-type: none"> ▶ Defendant is not now serving a sentence for any offense. ▶ Defendant is not now on probation for any offense. ▶ Defendant is not now charged with committing any offense. ▶ Defendant has fulfilled the conditions of probation for the entire period of probation, OR defendant has been discharged prior to the termination of probation, OR relief should be granted in the interest of justice.
	Ineligible Violations	<p>Convictions for violating Pen. Code §§ 261.5(d), 286(c), 288, 288a(c), 288.5, 289(j), 311.1, 311.2, 311.3, or 311.11 are ineligible for relief. If the defendant was charged with any offense described in Veh. Code § 12810 (a)-(e), relief is discretionary with the court.</p>
	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 following case dispositions are not eligible for relief:</p> <ul style="list-style-type: none"> ▶ The charge(s) were dismissed upon completion of Pen. Code § 1000 diversion. ▶ Bail was forfeited and a plea was never entered. ▶ The case has previously been dismissed. ▶ State prison was imposed.
Application	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 the "Petition For Dismissal (Felony/Misdemeanor)" (SDSC Form #CRM-204) for all applications for dismissal. Multiple case numbers for the same defendant must be placed on separate petition(s).</p>
	Court Costs	<p>The defendant may be required to reimburse the court \$120.00 through the Department of Revenue and Recovery for the costs incurred in processing <u>each</u> petition. Those who will be asking the court to waive costs based on inability to pay, must fill out a Financial Declaration (SDSC Form #ADM-227) and present it to the court at the time the petition is filed. The Financial Declaration Form will be kept confidential.</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.</p>
	Notice to the Prosecuting Agency	<p>Pursuant to Pen. Code § 1203.4(d), 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 defendant's responsibility to serve the prosecuting agency with any petitions filed.</p>
	Records Check	<p>The information provided in the petition will be verified by a records check.</p>
	Processing Time	<p>The processing of the petition may take approximately four to eight weeks from the date it is filed. The hearing date and time will be set by the clerk when the petition is filed.</p>
	Certificate of Rehabilitation and Pardon	<p>If the court grants a petition for dismissal, the defendant may be eligible for a Certificate of Rehabilitation pursuant to Pen. Code § 4852 et seq. An information packet (SDSC Form #PKT-016) may be obtained from the court or found at www.sdcourt.ca.gov.</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, questionnaire/application for or holding public office, state or local licensure, contracting with the California State Lottery Commission or the duty to register per Pen. Code § 290 et seq. (See Pen. Code § 290.007, 1203.4(a); Veh. Code § 13555.)</p>	