

Instructions for filing a Request for Dismissal (Expungement)

Forms Needed: (* Mandatory Forms)

- [Petition for Dismissal \(CR-180\)](#) *
- [Declaration \(MC-031\)](#)
- [Order for Dismissal \(CR-181\)](#) *
- [Proof of Service by First-Class Mail \(POS-030\)](#) *

Request for Dismissal

An expungement allows you to reopen your criminal case, set aside the conviction and dismiss the case. As a result, your criminal record will no longer show the conviction.

You can find more information about expungement at: <https://riverside.courts.ca.gov/self-help/expungement>

1	Complete all Forms	Complete all the documents and sign them.
2	Serve Copy on Other Party	Have someone other than yourself and who is 18 years or older serve a copy by mail to the <u>District Attorney's Office</u> . If you had a <u>Probation Officer</u> , you will also need to serve a copy to the Probation Office. Have your server fill out the Proof of Service by Mail (POS-030)(1). (Please see list of District Attorney and Probation Department addresses on the <u>next page</u>)
3	File with the Court	<p><u>In-Person:</u> Go to the Clerk's Office window. You will need the following:</p> <ul style="list-style-type: none"> • The original and at least one more copy (max 2 copies) • There is no fee to file your petition. <p><u>Drop box or Mail:</u> Use the drop off box or mail your forms to the court listed on your forms. Include the following:</p> <ul style="list-style-type: none"> • The original and at least one more copy (max 2 copies) • An envelope addressed to yourself with sufficient postage affixed. <p><u>Online:</u> Submit your forms online through the eSubmit Portal. Follow the instructions below:</p> <ul style="list-style-type: none"> • Electronically sign your documents at all signature lines in the document. • Read instructions and esubmit documents at: https://riverside.courts.ca.gov/forms-filing/esubmit • A transaction fee to file electronically may apply. <p><i>Once the court files the documents, the copies will be returned to you in the same way they were filed.</i></p>
<p><i>(Optional: If you want a hearing for your petition, you need to let the Clerk know you want to schedule a hearing when you file your paperwork at the courthouse. The Clerk will then schedule a hearing date.)</i></p>		
<p>The Judge will review your case and will either Approve or Deny your petition, you should receive a response in the mail in 1 - 2 months.</p>		

DISCLAIMER: Our Self-Help Center staff is not your private attorney and does not represent any party. There is NO attorney-client relationship and staff are unable to provide legal advice based on your individual facts. The Self-Help Center staff may provide information and services to the other party in the case. Further, communications between you and Self-Help Center staff are NOT Confidential. You should consult with your own attorney if you want personalized advice or strategy, to have a confidential conversation, or to be represented by an attorney in court.

Instructions for filing a Request for Dismissal (Expungement) cont.

District Attorney & Probation Department Addresses

Choose the location where the court hearing took place.

DISTRICT ATTORNEY

Riverside

3960 Orange Street
Riverside, CA 92501
(951) 955-5400

Indio

82-995 Highway 111, Suite 101
Indio, CA 92201
(760) 863-8216

Murrieta

30755-D Auld Road, 3rd Floor
Murrieta, CA 92563
(951) 304-5400

Blythe

220 North Broadway
Blythe, CA 92225
(760) 921-5840

Banning

135 North Alessandro St. Ste. 210
Banning, CA 92220
(951) 922-7130

PROBATION

Riverside

3960 Orange St. Ste. 600
Riverside, CA 92501

Indio

47665 Oasis St.
Indio, CA 92201

Murrieta

30123 Technology Dr. Ste. 100
Murrieta, CA 92563

Blythe

240 N. Broadway
Blythe, CA 92225

Banning

135 North Alessandro St.
Banning, CA 92220

Superior Court of California, County of Riverside Request for Dismissal (Expungement)

Defendant's Information:

Name: *(First, Middle, Last)* _____

Street Address: _____

City, State, Zip Code: _____

Telephone Number: _____

Case Number: _____

Date of Conviction _____

Felony or Misdemeanor

If you were convicted of a Felony are you requesting the Felony be reduced to a Misdemeanor?

Yes No

Convicted Offense: _____ Code _____ Section

Was probation granted on your case? Yes No

Did you complete your probation? Yes No

Was your Probation terminated early? Yes No

If probation was not granted, has one year passed since the judgment was entered against you?

Yes No

Are you serving a sentence for any additional offenses or have you been charged with any additional crimes?

Yes No

Court Location:

Date:

ATTORNEY OR PARTY WITHOUT ATTORNEY TELEPHONE NO.: EMAIL ADDRESS: ATTORNEY FOR (name):	FOR COURT USE ONLY
SUPERIOR COURT OF CALIFORNIA, COUNTY OF RIVERSIDE	
PEOPLE OF THE STATE OF CALIFORNIA v. DEFENDANT:	CASE NUMBER:
PETITION FOR DISMISSAL (Pen. Code, §§ 17(b), 17(d)(2), 1203.4, 1203.4a, 1203.41, 1203.42, 1203.43, 1203.49)	FOR COURT USE ONLY DATE: TIME: DEPARTMENT:

Note to petitioner: Your conviction may have already been automatically dismissed by the California Department of Justice (DOJ) under Penal Code section 1203.425. If so, this petition may be unnecessary—but there may be additional benefits to filing it with the court, including felony reduction under Penal Code section 17(b). If you want to know if your conviction has already been dismissed, you can request your Record of Arrest and Prosecution (RAP) sheet from the DOJ, but this is not required.

1. On (date): _____, the petitioner (the defendant in the above-entitled criminal action) was convicted of a violation of the following offenses or was granted deferred entry of judgment for the following offenses:

Code (Penal, Vehicle, etc.)	Section	Type of offense (felony, misdemeanor, or 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 stated in the docket of the above-entitled court; the petitioner is not serving a sentence for any offense, on probation for any offense, or currently charged with committing 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 may explain why granting a dismissal would be in the interests of justice. You can provide that information by writing in the space below, or by attaching a letter or other relevant documents. If you need more space for your writing, you can use Attachment (form MC-025) or Attached Declaration (form MC-031) (which is signed under penalty of perjury) and attach it to this petition.*)

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3. **Misdemeanor or infraction with sentence other than probation (*Pen. Code, § 1203.4a*)**
 Probation was not granted; more than one year has elapsed since judgment was pronounced. Petitioner has complied with the sentence of the court and is not serving a sentence for any offense or currently charged with committing 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 may explain why granting a dismissal would be in the interests of justice. You can provide that information by writing in the space below or by attaching a letter or other relevant documents. If you need more space for your writing, you can use Attachment (form MC-025) or Attached Declaration (form MC-031) (which is signed under penalty of perjury) and attach it to this petition.*)
4. **Misdemeanor conviction under Penal Code section 647(b) (*Pen. Code, § 1203.49*)**
 Petitioner has completed a term of probation for a conviction under Penal Code section 647(b) and should be granted relief because the conviction was the result of petitioner's status as a victim of human trafficking.
(Please provide evidence that the conviction was the result of your status as a victim of human trafficking. You can provide that information by writing in the space below or by attaching a letter or other relevant documents. If you need more space for your writing, you can use Attachment (form MC-025) or Attached Declaration (form MC-031) (which is signed under penalty of perjury) and attach it to this petition.)
5. **Felony county jail sentence under Penal Code section 1170(h)(5) or felony state prison sentence (*Pen. Code, § 1203.41*)**
 Petitioner is not on parole or under supervision under Penal Code section 1170(h)(5)(B); is not serving a sentence for, on probation for, or currently charged with committing any crime; 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).
- 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).
- c. more than two years have elapsed since petitioner completed the felony state prison sentence, and the conviction did not result in a requirement to register as a sex offender under Chapter 5.5 (starting with section 290) of Title 9 of Part 1 of the Penal Code.
(Please note: You may explain why granting a dismissal would be in the interests of justice. You can provide that information by writing in the space below or by attaching a letter or other relevant documents. If you need more space for your writing, you can use Attachment (form MC-025) or Attached Declaration (form MC-031) (which is signed under penalty of perjury) and attach it to this petition.)

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6. **Felony prison sentence that would have been eligible for a felony county jail sentence after 2011 under Penal Code section 1170(h)(5) (Pen. Code, § 1203.42)**

Petitioner is not under supervision and is not serving a sentence for, on probation for, or currently charged with committing any crime; more than two years have elapsed since petitioner completed the felony prison sentence; and petitioner should be granted relief in the interests of justice.

(Please note: You may explain why granting a dismissal would be in the interests of justice. You can provide that information by writing in the space below or by attaching a letter or other relevant documents. If you need more space for your writing, you can use Attachment (form MC-025) or Attached Declaration (form MC-031) (which is signed under penalty of perjury) and attach it to this petition.)

7. **Deferred entry of judgment (Pen. Code, § 1203.43)**

Petitioner performed satisfactorily during the period in which deferred entry of judgment was granted. The criminal charge(s) were dismissed under former Penal Code section 1000.3 on (date): _____ . Furthermore (check one),

- a. court records are available showing the case resolution; **or**
- b. petitioner declares under penalty of perjury that the charges were dismissed after petitioner completed the requirements for deferred entry of judgment. Petitioner (check one)
 - (1) has
 - (2) has not
 attached a copy of petitioner's state summary criminal history information.

8. 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).

9. Petitioner requests that petitioner 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 the Penal Code section(s) noted above.

Date:

(TYPE OR PRINT NAME)



(SIGNATURE OF PETITIONER OR ATTORNEY)

PLAINTIFF/PETITIONER: DEFENDANT/RESPONDENT:	CASE NUMBER:
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DECLARATION

(This form must be attached to another form or court paper before it can be filed in court.)

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)

(SIGNATURE OF DECLARANT)

Attorney for
 Plaintiff
 Petitioner
 Defendant
 Respondent
 Other (*Specify*):

ATTORNEY OR PARTY WITHOUT ATTORNEY TELEPHONE NO.: EMAIL ADDRESS: ATTORNEY FOR (name):	FOR COURT USE ONLY
SUPERIOR COURT OF CALIFORNIA, COUNTY OF RIVERSIDE	
PEOPLE OF THE STATE OF CALIFORNIA <p style="text-align: center;">v.</p> DEFENDANT:	
<p style="text-align: center;">ORDER FOR DISMISSAL (Pen. Code, §§ 17(b), 17(d)(2), 1203.4, 1203.4a, 1203.41, 1203.42, 1203.43, 1203.49)</p>	CASE NUMBER:

From the petition filed in this matter, the records of the court, and any other evidence presented in this matter, the court orders as follows:

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
 - a. ALL FELONY CONVICTIONS in the above-entitled action.
 - b. ALL MISDEMEANOR CONVICTIONS in the above-entitled action.
 - c. 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
 - a. ALL FELONY CONVICTIONS in the above-entitled action.
 - b. ALL MISDEMEANOR CONVICTIONS in the above-entitled action.
 - c. 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 (*check all that apply*)

 § 1203.4 § 1203.4a § 1203.41 § 1203.42 § 1203.43 § 1203.49

 and it is ordered that the pleas of guilty or nolo contendere or verdicts or findings of guilt be set aside and vacated and a plea of not guilty be entered and that the complaint or information be, and is hereby, dismissed for (*check one*)
 - a. ALL CONVICTIONS OR PLEAS FOR DEFERRED ENTRY OF JUDGMENT in the above-entitled action.
 - b. only the following convictions or pleas for deferred entry of judgment in the above-entitled action (*specify charges and date of conviction or plea for deferred entry of judgment*):

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4. The court **DENIES** the petition for dismissal under Penal Code (*check all that apply*)
 § 1203.4 § 1203.4a § 1203.41 § 1203.42 § 1203.43 § 1203.49 for (*check one*)
- a. ALL CONVICTIONS OR PLEAS FOR DEFERRED ENTRY OF JUDGMENT in the above-entitled action.
- b. only the following convictions or pleas for deferred entry of judgment in the above-entitled action (*specify charges and date of conviction or plea for deferred entry of judgment*):
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5. In granting this order under the provisions of Penal Code section 1203.49, the court finds that the petitioner was a victim of human trafficking when petitioner committed the crime.
- a. The court orders (*check one*):
- (1) the relief described in section 1203.4.
- (2) the relief described in section 1203.4, with the following exceptions (*specify*):
- b. The Department of Justice is hereby notified that petitioner was a victim of human trafficking when petitioner committed the crime, and notified of the relief ordered.
6. If this order is granted under the provisions of Penal Code section 1203.4, 1203.41, or 1203.42,
- 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, under Penal Code section 1203.41, for licensure by a federally recognized tribe or for enrollment as a provider of in-home supportive services and "waiver personal care services" (see Welf. & Inst. Code, §§ 12300–12318, 14132.95, 14132.952, 14132.956, 14132.97)), or for contracting with the California State Lottery Commission; and
- 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 this order is granted under the provisions of Penal Code section 1203.4, 1203.4a, 1203.41, 1203.42, 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 their control a firearm if prevented by Penal Code section 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.
8. Dismissal under Penal Code section 1203.4 or 1203.4a does not release petitioner from the terms and conditions of any unexpired criminal protective order issued under Penal Code section 136.2(i)(1), 273.5(j), 368(l), or 646.9(k).
9. In addition, as required by Penal Code section 299(f), relief under Penal Code section 17(b), 17(d)(2), 1203.4, 1203.4a, 1203.41, 1203.42, 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).
10. The basis for an order of dismissal granted under the provisions of Penal Code section 1203.43 is the invalidity of petitioner's prior plea due to misinformation in former Penal Code section 1000.4 regarding the actual consequences of making a plea and successful completion of a deferred entry of judgment program.
11. Notice: Except as provided in Penal Code section 1203.425(a)(4), if this order is granted under Penal Code section 1203.4, 1203.4a, 1203.41, or 1203.42, the court must not disclose information concerning a conviction granted relief to any person or entity, in any format, except to the person whose conviction was granted relief or to a criminal justice agency.

FOR COURT USE ONLY

Date:



(JUDICIAL OFFICER)

INFORMATION SHEET FOR PROOF OF SERVICE BY FIRST-CLASS MAIL—CIVIL

(This information sheet is not part of the Proof of Service and does not need to be copied, served, or filed.)

NOTE: This form should **not** be used for proof of service of a summons and complaint. For that purpose, use *Proof of Service of Summons* (form POS-010).

Use these instructions to complete the *Proof of Service by First-Class Mail—Civil* (form POS-030).

A person over 18 years of age must serve the documents. There are two main ways to serve documents: (1) by personal delivery and (2) by mail. Certain documents must be personally served. You must determine whether personal service is required for a document. Use the *Proof of Personal Service—Civil* (form POS-020) if the documents were personally served.

The person who served the documents by mail must complete a proof of service form for the documents served. **You cannot serve documents if you are a party to the action.**

INSTRUCTIONS FOR THE PERSON WHO SERVED THE DOCUMENTS

The proof of service should be printed or typed. If you have Internet access, a fillable version of the Proof of Service form is available at www.courtinfo.ca.gov/forms.

Complete the top section of the proof of service form as follows:

First box, left side: In this box print the name, address, and telephone number of the person *for* whom you served the documents.

Second box, left side: Print the name of the county in which the legal action is filed and the court's address in this box. The address for the court should be the same as on the documents that you served.

Third box, left side: Print the names of the Petitioner/Plaintiff and Respondent/Defendant in this box. Use the same names as are on the documents that you served.

First box, top of form, right side: Leave this box blank for the court's use.

Second box, right side: Print the case number in this box. The case number should be the same as the case number on the documents that you served.

Complete items 1–5 as follows:

1. You are stating that you are over the age of 18 and that you are not a party to this action. You are also stating that you either live in or are employed in the county where the mailing took place.
2. Print your home or business address.
3. Provide the date and place of the mailing and list the name of each document that you mailed. If you need more space to list the documents, check the box in item 3, complete the *Attachment to Proof of Service by First-Class Mail—Civil (Documents Served)* (form POS-030(D)), and attach it to form POS-030.
4. For item 4:
 - Check box a if you personally put the documents in the regular U.S. mail.
 - Check box b if you put the documents in the mail at your place of business.
5. Provide the name and address of each person to whom you mailed the documents. If you mailed the documents to more than one person, check the box in item 5, complete the *Attachment to Proof of Service by First-Class Mail—Civil (Persons Served)* (form POS-030(P)), and attach it to form POS-030.

At the bottom, fill in the date on which you signed the form, print your name, and sign the form. By signing, you are stating under penalty of perjury that all the information you have provided on form POS-030 is true and correct.