

Information Guide to Petition to Dismiss

**Pursuant to Penal Code
Sections 1203.4 and 1203.4a**



**Los Angeles
Superior Court**



WHAT IS AN EXPUNGEMENT?

A petition to set aside a conviction and dismissal, pursuant to Penal Code section 1203.4 or 1203.4a, is commonly called an "Expungement." The Petition allows you to ask the Court to set aside your guilty plea or guilty verdict and dismiss the case. If your request is granted, your conviction will be set aside and a dismissal disposition will be entered. The granting of the Petition to Dismiss shows that you fully complied with all the Court's orders and the Court determined you were eligible for relief under Penal Code sections 1203.4 or 1203.4a.

AFFECT ON CRIMINAL RECORDS

If your Petition is granted and a dismissal is entered on your case, the record of your original conviction is not completely removed from your criminal record.

- When questioned by Private Employers on job applications if you have ever been convicted of a crime, you **MUST** respond with "YES-CONVICTION DISMISSED."
- When questioned by Government Applications or Government Licensing Applications if you have ever been convicted of a crime, you **MUST** respond with a "YES- CONVICTION DISMISSED."
- You will not be allowed to own or possess a firearm until you would otherwise be able to do so by law.
- Your dismissed conviction(s) can still be used to increase your punishment in future criminal cases.
- Your prior conviction(s) can still affect your driving privileges.
- If you have been required to register as a sex offender as a result of a conviction, you must make a different motion to the Court in order to be relieved of this requirement. A dismissal pursuant to Penal Code section 1203.4/1203.4a will not relieve you of your duty to register as a sex offender.

Contact your legal professional for further information regarding how an Expungement affects your criminal record.

HOW TO FILE A PETITION TO DISMISS (1203.4/1203.4a)

Gather information about your conviction(s)

You will need to know the details of your criminal conviction(s) such as the case number, the charges, the date of conviction, etc. You can use one of the following resources to find complete information about criminal records:

- Use the Court's Internet website www.lasuperiorcourt.org. This site will provide information on cases handled within Los Angeles County. A fee will be charged.
- Contact the Department of Justice (DOJ). The DOJ maintains criminal records information for any case handled in the State of California. It can be reached at 916-227-3400.
- Visit the courthouse. You may request a name index at any courthouse in Los Angeles County that handles criminal matters. The name index will tell you if the Court has a record of a criminal case for the name given. If the Court does have a record, you may ask for a copy of the Court docket. There is no charge for a name index search, however, there is a fee for copy service.

Obtain the Necessary Forms

You must complete a separate Petition for each case you want the Court to address. The forms, the Petition to Dismiss and the Order for Dismissal, are available free of charge at any courthouse in Los Angeles County that handles criminal cases. You can also download the form from the California Courts Self-Help Center website at www.courtinfo.ca.gov/forms.

or Court

Complete the Forms

The clerk at the courthouse is not allowed to give you legal advice. Therefore he/she will not be able to tell you how to complete the form or tell you the specific case information you should put on the form.

Remember, you can only expunge/dismiss one conviction per petition. A separate petition must be filed for each case you want to dismiss.

If you need assistance with completing the forms, contact a legal professional. You can also contact the Public Defender's Office in Los Angeles County. The clerk at the courthouse will be able to provide you with information for the Public Defender's Office in your area.

Return the Completed Form to the Court

Once the form is completed, file the form at the courthouse where your case was originally heard. You are not required to pay a fee to file your Petition, however, Court costs may be assessed at the time of the hearing. You are also required to serve a copy of the Petition on the District Attorney or City Attorney, whichever agency prosecuted your case, and complete a form showing Proof of Service. Service may be made by mail or personal delivery.

Hearing Date Scheduled

After you file your Petition, the clerk will mail you and the agency that prosecuted your case a Notice of Hearing. This notice will tell you when the Court will hear your Petition. You are not required to attend the hearing. When the judge makes a ruling on your Petition, you will also be informed of the Court's ruling regarding payment of costs associated with the hearing.

**YOU MAY BE ELIGIBLE TO
FILE A PETITION TO
DISMISS PURSUANT TO
PC§1203.4/1203.4a IF:**

- You successfully completed probation, obtained an early release, and/or one year has elapsed since the completion of a county jail sentence without probation.
- You are not currently on probation in another case or charged with an offense in another case.
- You have paid all fines, fees, and restitution ordered by the Court as part of your sentence.
- You were not convicted of any of the following offenses: Vehicle Code section 42001(b) which includes section 2800, 2801 and 2803; Penal Code section 261.5(d), 286(c), 288, 288a(c), 288.5 and 289(j). These offenses are not eligible for dismissal under Penal Code section 1203.4/1203.4a.
- You were not sentenced to state prison or the Department of Corrections. Defendants in this situation are not eligible for expungement dismissal, but may file for a Petition for Certificate of Rehabilitation and Pardon.



Los Angeles Superior Court

This guide is intended as an informational tool to assist you. It is not legal advice and a Court might rule differently from what is suggested in this guide. Additional and more detailed information may be available on the State Administrative Office of the Courts website: www.courtinfo.ca.gov/selfhelp/other/crimlaw-clean.htm, or from a legal professional.