

The Expungement Process

How to Remove Criminal Convictions from your Record

Presented by the Kern County Law Library

What will be covered?

What is Expungement?

What exactly is expungement?

We will discuss what, exactly, expungement is. We will describe why, if you can, it is almost certainly in your interests to expunge eligible convictions from your record.

Determining Eligibility

Am I eligible?

You must meet certain conditions to be eligible to have your conviction(s) expunged. We will discuss what conditions you must meet to be eligible.

Paperwork - Prep, Service & Filing

What do I do?

If expungement is in your interests, and you are eligible, we will go over what paperwork you will need and how to complete it.

What is Expungement?

- Definition
- What is is Not
- Benefits

Expungement is the common phrase used to describe changing your criminal history for the better. We will describe exactly how it does that, what it does not do, and how it may benefit you.

Expungement Defined

1203.4 PC states that “(a) In any case in which a defendant has fulfilled the conditions of probation for the entire period of probation, or has been discharged prior to the termination of the period of probation, or in any other case in which a court, in its discretion and the interests of justice, determines that a defendant should be granted the relief available under this section, the defendant shall, at any time after the termination of the period of probation, if he or she is not then serving a sentence for any offense, on probation for any offense, or charged with the commission of any offense, be permitted by the court to withdraw his or her plea of guilty or plea of nolo contendere and enter a plea of not guilty; or, if he or she has been convicted after a plea of not guilty, the court shall set aside the verdict of guilty; and, in either case, the court shall thereupon dismiss the accusations or information against the defendant and except as noted below, he or she shall thereafter be released from all penalties and disabilities resulting from the offense of which he or she has been convicted, except as provided in Section 13555 of the Vehicle Code.”

Huh?

In other words, when you ask the court to expunge your conviction (or: Petition for Dismissal), you are asking the court to allow you to withdraw your plea of guilty or no contest, or set aside your guilty verdict, and allow you to re-enter a not guilty plea, and then dismiss the charge(s).

If you were to look up your criminal case history for a charge that resulted in a conviction, the “Disposition” of the case would show your conviction status, like in the example below. This may not be your Disposition - this is just one example for the point of illustration.

Charges/Dispositions						
Count	Type	Code	Section	Charge Description	Charge Disposition	Disposition Date
001	M	PC	148	** NOT AVAILABLE **	PLED GUILTY	02/23/04



Effect of Expungement

Charges/Dispositions						
Count	Type	Code	Section	Charge Description	Charge Disposition	Disposition Date
001	M	PC	148	** NOT AVAILABLE **	PLED GUILTY	02/23/04

The effect of a successful expungement is to change the Charge Disposition from a conviction to a dismissal, so that you can honestly say that you were not convicted of the crime. The goal is to get the example above to look like the example below

Charges/Dispositions						
Count	Type	Code	Section	Charge Description	Charge Disposition	Disposition Date
001	M	PC	148	** NOT AVAILABLE **	DISM - PC 1203.4	02/23/04



What Expungement is NOT

- Expungement is not a way to modify or terminate probation.
- Expungement is not a way to remove convictions from your record if you went to prison, with certain limited exceptions.
- Expungement is not a way to seal a record of an arrest.
- Expungement is not a way to modify a jail or prison sentence.
- Expungement is not an unlimited license to state you have never been convicted of any crimes.
- Expungement is not a shield from future prosecution for new offenses.

Why bother with Expungement?

The primary benefit of expungement is that you may now *generally* tell employers that you have never been convicted of the crime, once your charge is dismissed.

There are three exceptions in which expungement does not excuse you from disclosing your conviction. They are 1) If you are applying to work with the California State Lottery Commission, 2) If you register to run for public office, and 3) If you are applying for licensing through a California state license (e.g., the State Bar of California). Otherwise, you do not have to disclose your old conviction to new employers.

The law provides that a person who has expunged a conviction will "... be released from all penalties and disabilities resulting from the offense of which he or she has been convicted," (Cal. Pen. Code § 1203.4 (a)).

Summary - Expungement

Expungement effectively undoes a conviction and replaces it with a dismissal. It does not excuse you in all circumstances, forever, from disclosing your conviction.

For most of the jobs for which you will apply, you do not have to report a conviction if you have had it expunged. Once you petition for dismissal, and a judge orders your conviction dismissed, you open up a wide variety of job opportunities you might not otherwise have had.

There are no real downsides to petitioning for dismissal. The worst that may happen is the court may deny your petition.

Am I eligible for Expungement?

Not everyone is eligible for expungement. There are other processes available for many of those who are ineligible for expungement, but that is a subject for another workshop. Let's go over whether the subject of today's workshop is right for you.

What makes one eligible?

You are likely eligible for expungement of your convictions if you

“ha[ve] fulfilled the conditions of probation for the entire period of probation, or ha[ve] been discharged prior to the termination of the period of probation, or in any other case in which a court, in its discretion and the interests of justice, determines that a defendant should be granted the relief available under this section, the defendant shall, at any time after the termination of the period of probation, if he or she is not then serving a sentence for any offense, on probation for any offense, or charged with the commission of any offense...” (Cal. Pen. Code § 1203.4 (a).)

Huh?

You are likely eligible for expungement of your convictions if you

- 1) Have successfully completed your probation, which means you
 - a. Paid all fines/restitution
 - b. Have not committed any new criminal offenses
 - c. Attended all court appearances (whether personally or represented by counsel)
- 2) You did not serve time in prison for your conviction
 - a. The exception to this is if you served time in prison, but would have served your sentence in County Jail under Prop. 47.

Special Issue - Prop 47

Proposition 47 featured sentencing “realignment” measures which allow a person who served time in prison to petition for Expungement (under PC 1203.42, rather than PC 1203.4).

To qualify under Prop 47’s realignment scheme, the conviction must have been one which would be currently punishable with a sentence in county jail, plus:

- 1) at least two years have elapsed since the defendant completed their sentence, and
- 2) the defendant is not:
 - a) under supervised release for a crime,
 - b) serving a sentence for any offense,
 - c) on probation for any offense, or
 - d) charged with the commission of any crime.

What if I am ineligible?

There are certain offenses for which one is never eligible for expungement.

If you are ineligible for expungement, you may wish to speak to an attorney or contact the Kern County Law Library about the process of petitioning for a Certificate of Rehabilitation.

If you are ineligible for either expungement or a Certificate of Rehabilitation, you should consult with an attorney to determine if any other remedies may be available to you.

What do I do?

CR-180

CR-181

Proofs of Service

There are not many documents to complete when you are petitioning for expungement. It is important, however, to make sure you fill them out carefully, in the right order, and that parties entitled to copies receive them.

CR-180 - Petition for Dismissal

First, you will need to download your form CR-180 - Petition for Dismissal. You may do so at <https://www.courts.ca.gov/forms.htm?query=cr-180> .

You may also visit the Kern County Law Library website at www.kclawlib.org and visit the page under the Self-Help menu titled “How to Expunge your Record” for links to download all of the forms described during this presentation, including Proofs of Service, which we will cover later.

You should also prepare to fill out your form by using the Kern County Superior Court website to review the information about your conviction. You can look up your case information by visiting this link:

https://www.kern.courts.ca.gov/online_services/criminal_case_search_disclaimer and accepting the disclaimer, which will allow you to search for your case information by case number or using your full name and birthdate.

CR-180 Petition for Dismissal

CR-180

ATTORNEY OR PARTY WITHOUT ATTORNEY:		STATE BAR NO.:	FOR COURT USE ONLY	
NAME:				
FIRM NAME:				
STREET ADDRESS:				
CITY:	STATE:	ZIP CODE:		
TELEPHONE NO.:	FAX NO.:			
E-MAIL ADDRESS:				
ATTORNEY FOR (name):				
PEOPLE OF THE STATE OF CALIFORNIA				
v.				
DEFENDANT:		DATE OF BIRTH:		
PETITION FOR DISMISSAL			CASE NUMBER:	
(Pen. Code, §§ 17(b), 17(d)(2), 1203.4, 1203.4a, 1203.41, 1203.42, 1203.43, 1203.49)			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 or was granted deferred entry of judgment for the following offenses:

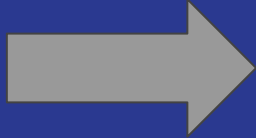
Code	Section	Type of offense (felony, misdemeanor, or infraction):	Eligible for reduction to misdemeanor under Penal Code, § 17(b) (yes or no)	Eligible for reduction to infraction under Penal Code, § 17(d)(2) (yes or no)

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 under charge of commission of any crime, and the petitioner (check all that apply)
- has fulfilled the conditions of probation for the entire period thereof.
 - has been discharged from probation prior to the termination of the period thereof.
 - 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 the Attached Declaration (form MC-031) and attach it to this petition.)

CR-180 Petition for Dismissal

Don't overthink this part - just fill in your information. You are the Defendant, and you are representing yourself.



		CR-180
ATTORNEY OR PARTY WITHOUT ATTORNEY: NAME: Herman Munster FIRM NAME: STREET ADDRESS: 1313 Mockingbird Lane CITY: Bakersfield TELEPHONE NO.: (661) 123-4567 E-MAIL ADDRESS: Allouis4ever@fakemail.com ATTORNEY FOR (name): Self	STATE BAR NO.: STATE: CA ZIP CODE: 93310 FAX NO.:	FOR COURT USE ONLY
PEOPLE OF THE STATE OF CALIFORNIA v. DEFENDANT: Herman Munster		DATE OF BIRTH: 1/1/1950
PETITION FOR DISMISSAL (Pen. Code, §§ 17(b), 17(d)(2), 1203.4, 1203.4a, 1203.41, 1203.42, 1203.43, 1203.49)		CASE NUMBER: BM1234567
		FOR COURT USE ONLY DATE: 5/4/2021 TIME: 8:30 AM DEPARTMENT: L/M

CR-180 Petition for Dismissal

ATTORNEY OR PARTY WITHOUT ATTORNEY: NAME: Herman Munster FIRM NAME: STREET ADDRESS: 1313 Mockingbird Lane CITY: Bakersfield TELEPHONE NO.: (661) 123-4567 E-MAIL ADDRESS: Allouis4ever@fakemail.com ATTORNEY FOR (name): Self		STATE BAR NO.:	FOR COURT USE ONLY
PEOPLE OF THE STATE OF CALIFORNIA v. DEFENDANT: Herman Munster		STATE: CA ZIP CODE: 93310 FAX NO.:	
PETITION FOR DISMISSAL (Pen. Code, §§ 17(b), 17(d)(2), 1203.4, 1203.4a, 1203.41, 1203.42, 1203.43, 1203.49)		CASE NUMBER: BM1234567	
			FOR COURT USE ONLY DATE: 5/4/2021 TIME: 8:30 AM DEPARTMENT: L/M

You must decide when to schedule your hearing - you may call the clerk's office at the court where you will file your documents to confirm the date you select is one on which motions are heard. Confirm the time, day(s) of the week, and department that hears criminal motions.

CR-180 Petition for Dismissal

HOW TO SCHEDULE YOUR HEARING

- 1) You **must** select a date for your hearing that falls on a day of the week where the court holds motions. For example, if you are expunging a misdemeanor conviction at the Metro Justice Building in Bakersfield, their motion schedule is Tuesday-Thursday, at 8:30 AM in Division L/M. If you try to schedule for a Monday or Friday at that location, you will be unsuccessful.
- 2) You **must** select a date that is at least 15 calendar days from the time you serve then file your documents. In other words, you need to pick a date a minimum of 15 days past the date where the District Attorney and Probation department will have received copies of your documents, and you will have gotten your original documents to the appropriate criminal division for filing.
- 3) You **must** select a date where you are certain you will be able to attend the hearing. If you schedule a hearing and do not attend, your petition will not be considered.

CR-180 Petition for Dismissal

		CR-180
ATTORNEY OR PARTY WITHOUT ATTORNEY: NAME: Herman Munster FIRM NAME: STREET ADDRESS: 1313 Mockingbird Lane CITY: Bakersfield TELEPHONE NO.: (661) 123-4567 E-MAIL ADDRESS: Allouis4ever@fakemail.com ATTORNEY FOR (name): Self	STATE BAR NO.: STATE: CA ZIP CODE: 93310 FAX NO.:	FOR COURT USE ONLY
PEOPLE OF THE STATE OF CALIFORNIA v. DEFENDANT: Herman Munster	DATE OF BIRTH: 1/1/1950	CASE NUMBER: BM1234567
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: 5/4/2021 TIME: 8:30 AM DEPARTMENT: L/M

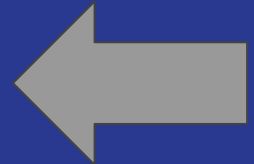
You put the date, time, and department for your hearing here



CR-180 Petition for Dismissal

		CR-180
ATTORNEY OR PARTY WITHOUT ATTORNEY: NAME: Herman Munster FIRM NAME: STREET ADDRESS: 1313 Mockingbird Lane CITY: Bakersfield TELEPHONE NO.: (661) 123-4567 E-MAIL ADDRESS: Allouis4ever@fakemail.com ATTORNEY FOR (name): Self	STATE BAR NO.: STATE: CA ZIP CODE: 93310 FAX NO.:	FOR COURT USE ONLY
PEOPLE OF THE STATE OF CALIFORNIA v. DEFENDANT: Herman Munster DATE OF BIRTH: 1/1/1950		CASE NUMBER: BM1234567
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: 5/4/2021 TIME: 8:30 AM DEPARTMENT: L/M

You put your
case number
here



CR-180 Petition for Dismissal

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	Section	Type of offense (<i>felony, misdemeanor, or infraction</i>):	Eligible for reduction to misdemeanor under Penal Code, § 17(b) (<i>yes or no</i>)	Eligible for reduction to infraction under Penal Code, § 17(d)(2) (<i>yes or no</i>)

This is where you will fill in the information about the offense you are requesting the court to expunge. You may need to research your case information to fill this in completely. The next slides will show you how to do that.

CR-180 Petition for Dismissal

Charges/Dispositions						
Count	Type	Code	Section	Charge Description	Charge Disposition	Disposition Date
001	M	PC	148	** NOT AVAILABLE **	PLED GUILTY	02/23/04

Back on slide 16, we gave you a link to look up your case information for the purposes of filling out your CR-180. Once you look up your case info, you will see data displayed that looks like the grid above. This grid contains all of the information you need to fill out section 1 on the CR-180.

CR-180 Petition for Dismissal

Charges/Dispositions						
Count	Type	Code	Section	Charge Description	Charge Disposition	Disposition Date
001	M	PC	148	** NOT AVAILABLE **	PLED GUILTY	02/23/04



You will start by picking out only the counts for which there was a conviction. You want to pick out the counts that indicate a conviction (Things like “Pled Guilty” or “Pled Nolo Contendere”). You may disregard any that say “Dism.” (Short for “dismissed”). The end goal of this process is to change the disposition to a dismissal, so there is no need to include counts that were already dismissed.

CR-180 Petition for Dismissal

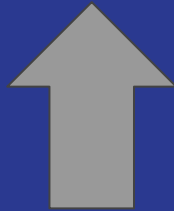
Charges/Dispositions						
Count	Type	Code	Section	Charge Description	Charge Disposition	Disposition Date
001	M	PC	148	** NOT AVAILABLE **	PLED GUILTY	02/23/04



The first item you will fill in is the date. The disposition date will go on the very first line of section one, which starts “On (*date*), 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:”

CR-180 Petition for Dismissal

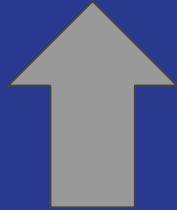
Charges/Dispositions						
Count	Type	Code	Section	Charge Description	Charge Disposition	Disposition Date
001	M	PC	148	** NOT AVAILABLE **	PLED GUILTY	02/23/04



The first box to fill in on section 1 is under the heading “Code”. The vast majority of convictions will fall under either the Penal Code or the Vehicle Code. Whatever code your conviction fell under, you may just use the abbreviation in this box. Whatever it says for the Code for your conviction, fill that in under Code on the CR-180.

CR-180 Petition for Dismissal

Charges/Dispositions						
Count	Type	Code	Section	Charge Description	Charge Disposition	Disposition Date
001	M	PC	148	** NOT AVAILABLE **	PLED GUILTY	02/23/04



The second box to fill in on section 1 is under the heading “Section”. Just take the code section displayed in this box and put it on the grid. Do not overthink this step - here, in the box under “Section”, you would just write 148, as this conviction was for violation of § 148 of the California Penal Code.

CR-180 Petition for Dismissal

Charges/Dispositions						
Count	Type	Code	Section	Charge Description	Charge Disposition	Disposition Date
001	M	PC	148	** NOT AVAILABLE **	PLED GUILTY	02/23/04



The third box to fill in on section 1 is under the heading “Type”. The options here are F for felony, M for misdemeanor, or I for infraction. You may expunge an infraction, but the two categories that hinder employment opportunities are generally felonies and misdemeanors.

Write in the type of offense for which you were convicted - even if you are asking the court to reduce it to a lesser offense.

CR-180 Petition for Dismissal

Charges/Dispositions						
Count	Type	Code	Section	Charge Description	Charge Disposition	Disposition Date
001	M	PC	148	** NOT AVAILABLE **	PLED GUILTY	02/23/04



Bear in mind that Petitions for Dismissal for felonies generally may not be heard in a courtroom in which only misdemeanor motions are heard. If you have both felony and misdemeanor convictions, be sure to file your Petition with the Felony department. If the Felony court is already considering your Petition to Dismiss a felony count, they can also consider a misdemeanor count from the same case.

CR-180 Petition for Dismissal

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	Section	Type of offense (<i>felony, misdemeanor, or infraction</i>):	Eligible for reduction to misdemeanor under Penal Code, § 17(b) (<i>yes or no</i>)	Eligible for reduction to infraction under Penal Code, § 17(d)(2) (<i>yes or no</i>)



The final two boxes on the grid ask for you to answer a question with specialized knowledge you probably will not have on hand.

CR-180 Petition for Dismissal

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	Section	Type of offense (<i>felony, misdemeanor, or infraction</i>):	Eligible for reduction to misdemeanor under Penal Code, § 17(b) (<i>yes or no</i>)	Eligible for reduction to infraction under Penal Code, § 17(d)(2) (<i>yes or no</i>)



Penal Code § 17(b) allows someone to request that a crime that can be charged as either a felony or a misdemeanor be reduced from a felony to a misdemeanor. This kind of offense is called a “Wobbler.”

CR-180 Petition for Dismissal

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	Section	Type of offense (<i>felony, misdemeanor, or infraction</i>):	Eligible for reduction to misdemeanor under Penal Code, § 17(b) (<i>yes or no</i>)	Eligible for reduction to infraction under Penal Code, § 17(d)(2) (<i>yes or no</i>)



Penal Code § 17(d)(2) allows someone to request that a crime that can be charged as either a misdemeanor or infraction be reduced to an infraction. This kind of offense is called a “Wobblette.”

CR-180 Petition for Dismissal

Hundreds of criminal offenses in California are “Wobblers” and “Wobblettes.” If you mark “Yes” under these boxes, and your offense is one that was eligible to be charged as a misdemeanor rather than a felony, or as an infraction rather than a misdemeanor, the court may first reduce your type of offense and then grant the dismissal.

An easy way to determine whether your offense is a Wobbler or Wobblette is to take the code section that you have filled in on the grid and Google whether it is a Wobbler/Wobblette, or not.

You may also Google the code section and read the text of the law as it is posted on <https://leginfo.legislature.ca.gov/>, where it is usually displayed in its most current form.

Worst case scenario: if you write yes, the court may not reduce your offense from a felony to a misdemeanor, or from a misdemeanor to an infraction. Ultimately, your goal is to have the conviction dismissed, anyway.

CR-180 Petition for Dismissal

Charges/Dispositions						
Count	Type	Code	Section	Charge Description	Charge Disposition	Disposition Date
001	M	PC	148	** NOT AVAILABLE **	PLED GUILTY	02/23/04

As you can see, most of the information you will need to complete your form will be available right on the Kern County Superior Court case lookup feature we went over earlier.

1. On (date): 2/23/2004, 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	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)
PC	148	Misdemeanor	No	No

CR-180 Petition for Dismissal

If you have more than one count you are trying to clear from your record, you can fill up to 5 lines on your CR-180, and use an MC-025 - Attachment to Judicial Council Form if you need to add more.

As long as the counts have the same disposition date, you can put them on the same Petition. Remember, if all the counts are misdemeanors, you will file with the Misdemeanor department. If any count is a felony, you should file with the Felony department.

Now you have to select which item in numbers 2-7 best matches your case.

CR-180 Petition for Dismissal

Most of you completing a Petition for Dismissal will use box 2, which is depicted below.

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 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 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 the Attached Declaration (form MC-031) and attach it to this petition.*)

CR-180 Petition for Dismissal

Even though it is by far the most common option selected, you must review the description next to Paragraph 2 to make sure it applies to your case. If it applies, check the box as it was below.

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 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 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 the Attached Declaration (form MC-031) and attach it to this petition.*)

CR-180 Petition for Dismissal

You should check at least one of the other applicable boxes below. If you completed your whole probation term, check box a. If you were discharged from probation ahead of schedule, check box b.

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 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 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 the Attached Declaration (form MC-031) and attach it to this petition.*)

CR-180 Petition for Dismissal

Boxes 3-7 may be more applicable to your case. Very generally:

3. Box 3 is appropriate if you were not granted probation **but** feel you can make a compelling case you have lived an exemplary life since your judgment was pronounced
4. Box 4 is appropriate if your conviction resulted from your having been a victim of human trafficking.
- 5 & 6. Boxes 5 or 6 may be appropriate under special circumstances in which a felony matters have (or could have) resulted in county jail terms, rather than prison. Read the descriptions carefully.
7. Box 7 is appropriate in cases where entry of judgment was deferred in your matter.

CR-180 Petition for Dismissal

Paragraphs 8 and 9 are simply your requests to the court. Paragraph 8 is about reducing your convictions to lesser offenses and Paragraph 9 is about withdrawing a guilty plea or the court setting aside a guilty verdict so you may plead not guilty and the matter be dismissed.

You do not have to fill anything out for either.

Below that, you will date your document and fill in your contact information. You are the Petitioner, so sign right above where it says
“Signature of Petitioner or Attorney”

After that, you are done with the CR-180.

CR-181 Order for Dismissal

This form is far simpler to complete, because you are essentially just filling in information you have already filled in on the CR-180.

The body of the Order for Dismissal will be completed by the court after considering your Petition.

The Order for Dismissal also gets served on the DA and Probation Department before you file with the court, even though it looks like it is an incomplete form with only contact information at the top.

CR-181 Order for Dismissal

ATTORNEY OR PARTY WITHOUT ATTORNEY:		STATE BAR NUMBER:	FOR COURT USE ONLY	
NAME:				
FIRM NAME:				
STREET ADDRESS:				
CITY:		STATE:	ZIP CODE:	
TELEPHONE NO.:		FAX NO.:		
E-MAIL ADDRESS:				
ATTORNEY FOR (name):				
PEOPLE OF THE STATE OF CALIFORNIA				
V.				
DEFENDANT:		DATE OF BIRTH:		
ORDER FOR DISMISSAL				CASE NUMBER:
(Pen. Code, §§ 17(b), 17(d)(2), 1203.4, 1203.4a, 1203.41, 1203.42, 1203.43, 1203.49)				

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:

- 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
 - ALL FELONY CONVICTIONS in the above-entitled action.
 - ALL MISDEMEANOR CONVICTIONS in the above-entitled action.
 - only the following convictions in the above-entitled action (*specify charges and date of conviction*):
- 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.
 - only the following convictions in the above-entitled action (*specify charges and date of conviction*):
- 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*)
 - ALL CONVICTIONS OR PLEAS FOR DEFERRED ENTRY OF JUDGMENT in the above-entitled action.
 - 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*):

CR-181 Order for Dismissal

		CR-181
ATTORNEY OR PARTY WITHOUT ATTORNEY: NAME: Herman Munster FIRM NAME: STREET ADDRESS: 1313 Mockingbird Lane CITY: Bakersfield TELEPHONE NO.: (861)123-4567 E-MAIL ADDRESS: Allouis4ever@fakemail.com ATTORNEY FOR (name): Self	STATE BAR NUMBER: STATE: CA ZIP CODE: 93310 FAX NO.:	FOR COURT USE ONLY
PEOPLE OF THE STATE OF CALIFORNIA v. DEFENDANT: Herman Munster		DATE OF BIRTH: 1/1/1950
ORDER FOR DISMISSAL (Pen. Code, §§ 17(b), 17(d)(2), 1203.4, 1203.4a, 1203.41, 1203.42, 1203.43, 1203.49)		CASE NUMBER: BM1234567

All you have to do to get this right is make it match the contact information you filled in on your CR-180.
The court will complete the rest.

Proof of Service

BEFORE YOU FILE YOUR *CR-180* AND *CR-181*,
THE DISTRICT ATTORNEY AND PROBATION
DEPARTMENT MUST BE SERVED COPIES OF
BOTH DOCUMENTS.

You cannot serve your own paperwork. Have
someone over the age of 18 that is not a party
to the case serve your paperwork.

Proof of Service

The Probation Department (PD) and District Attorney (DA) do not need to get a Proof of Service.

The Proof of Service is for the Court. The Court does not know who has served whom unless someone tells them. The Proof of Service is how you tell the Court the DA & PD have received notice of the hearing.

AFTER your server has completed service, they should fill in the information on the Proof of Service so the Court knows by which method the DA & PD got copies of your Petition and Order, on what day, and from whom.

Proof of Service

The safest route to take when determining how the DA & PD are currently accepting service of legal process (Like your CR-180 & CR-181) is to call them to confirm details.

In this presentation, we will show how to fill out a Proof of Service by mail.

If your server uses a different method of service, be sure to look on the California Superior Court website for the right Proof of Service.

Proof of Service by First Class Mail

POS-030	
ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address):	FOR COURT USE ONLY
TELEPHONE NO.: FAX NO. (Optional): EMAIL ADDRESS (Optional): ATTORNEY FOR (Name):	
SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	
PETITIONER/PLAINTIFF: RESPONDENT/DEFENDANT:	
PROOF OF SERVICE BY FIRST-CLASS MAIL—CIVIL	CASE NUMBER:

(Do not use this Proof of Service to show service of a Summons and Complaint.)

- I am over 18 years of age and not a party to this action. I am a resident of or employed in the county where the mailing took place.
- My residence or business address is:
- On (date): I mailed from (city and state):
the following documents (specify):

 The documents are listed in the Attachment to Proof of Service by First-Class Mail—Civil (Documents Served) (form POS-030(D)).
- I served the documents by enclosing them in an envelope and (check one):
 - depositing the sealed envelope with the United States Postal Service with the postage fully prepaid.
 - placing the envelope for collection and mailing following our ordinary business practices. I am readily familiar with this business's practice for collecting and processing correspondence for mailing. On the same day that correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the United States Postal Service in a sealed envelope with postage fully prepaid.
- The envelope was addressed and mailed as follows:
 - Name of person served:
 - Address of person served:

The name and address of each person to whom I mailed the documents is listed in the Attachment to Proof of Service by First-Class Mail—Civil (Persons Served) (POS-030(P)).

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)

Form Approved for Optional Use
Judicial Council of California
POS-030 (New January 1, 2005)

PROOF OF SERVICE BY FIRST-CLASS MAIL—CIVIL
(Proof of Service)

Code of Civil Procedure, §§ 1013, 1013a
www.courtinfo.ca.gov

Proof of Service

POS-030

<p>ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): Herman Munster 1313 Mockingbird Lane Bakersfield, CA 93310</p> <p>TELEPHONE NO.: (861) 123-4567 FAX NO. (Optional): E-MAIL ADDRESS (Optional): AllLouis4ever@fakemail.com ATTORNEY FOR (Name): Self</p>	<p>FOR COURT USE ONLY</p>
<p>SUPERIOR COURT OF CALIFORNIA, COUNTY OF KERN STREET ADDRESS: 1215 Truxtun Ave. MAILING ADDRESS: 1215 Truxtun Ave. CITY AND ZIP CODE: Bakersfield, CA 93301 BRANCH NAME: Metro Justice Building</p>	
<p>PETITIONER/PLAINTIFF: People of the State of California RESPONDENT/DEFENDANT: Herman Munster</p>	
<p>PROOF OF SERVICE BY FIRST-CLASS MAIL—CIVIL</p>	<p>CASE NUMBER: BM1234567</p>

(Do not use this Proof of Service to show service of a Summons and Complaint.)

<p>ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): Herman Munster 1313 Mockingbird Lane Bakersfield, CA 93310</p> <p>TELEPHONE NO.: (861) 123-4567 FAX NO. (Optional):</p> <p>E-MAIL ADDRESS (Optional): Allouis4ever@fakemail.com</p> <p>ATTORNEY FOR (Name): Self</p>	<p>FOR COURT USE ONLY</p>
<p>SUPERIOR COURT OF CALIFORNIA, COUNTY OF KERN</p> <p>STREET ADDRESS: 1215 Truxtun Ave. MAILING ADDRESS: 1215 Truxtun Ave. CITY AND ZIP CODE: Bakersfield, CA 93301 BRANCH NAME: Metro Justice Building</p>	
<p>PETITIONER/PLAINTIFF: People of the State of California RESPONDENT/DEFENDANT: Herman Munster</p>	
<p>PROOF OF SERVICE BY FIRST-CLASS MAIL—CIVIL</p>	

CASE NUMBER:
BM1234567

(Do not use this Proof of Service to show service of a Summons and Complaint.)

Proof
of
Service

The Proof of Service should include your contact information in the top left corner, and it should match exactly with your CR-180 & CR-181. It is still your case, even if you do not perform service of the documents.

<p>ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): Herman Munster 1313 Mockingbird Lane Bakersfield, CA 93310</p> <p>TELEPHONE NO.: (861) 123-4567 FAX NO. (Optional):</p> <p>E-MAIL ADDRESS (Optional): Allouis4ever@fakemail.com</p> <p>ATTORNEY FOR (Name): Self</p>	<p>FOR COURT USE ONLY</p>
<p>SUPERIOR COURT OF CALIFORNIA, COUNTY OF KERN</p> <p>STREET ADDRESS: 1215 Truxtun Ave. MAILING ADDRESS: 1215 Truxtun Ave. CITY AND ZIP CODE: Bakersfield, CA 93301 BRANCH NAME: Metro Justice Building</p>	
<p>PETITIONER/PLAINTIFF: People of the State of California RESPONDENT/DEFENDANT: Herman Munster</p>	
<p>PROOF OF SERVICE BY FIRST-CLASS MAIL—CIVIL</p>	

(Do not use this Proof of Service to show service of a Summons and Complaint.)

Proof
of
Service

You have to fill in the information for the court on the Proof of Service - do not omit the court address. Remember, in this example, it is a misdemeanor conviction originally heard in Bakersfield, so that is why the address is 1215 Truxtun Ave. Be sure to include the correct address for your specific matter.

<p>ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): Herman Munster 1313 Mockingbird Lane Bakersfield, CA 93310</p> <p>TELEPHONE NO.: (861) 123-4567 FAX NO. (Optional):</p> <p>E-MAIL ADDRESS (Optional): Allouis4ever@fakemail.com</p> <p>ATTORNEY FOR (Name): Self</p>	<p>FOR COURT USE ONLY</p>
<p>SUPERIOR COURT OF CALIFORNIA, COUNTY OF KERN</p> <p>STREET ADDRESS: 1215 Truxtun Ave. MAILING ADDRESS: 1215 Truxtun Ave. CITY AND ZIP CODE: Bakersfield, CA 93301 BRANCH NAME: Metro Justice Building</p>	
<p>PETITIONER/PLAINTIFF: People of the State of California RESPONDENT/DEFENDANT: Herman Munster</p>	
<p>PROOF OF SERVICE BY FIRST-CLASS MAIL—CIVIL</p>	

CASE NUMBER:
 BM1234567

(Do not use this Proof of Service to show service of a Summons and Complaint.)

Proof
 of
 Service

In all criminal matters, the plaintiff is People of the State of California. You are the defendant. Be sure to include your case number, and your work is done on the Proof of Service. The rest should be completed by your server.

Proof of Service

1. I am over 18 years of age and not a party to this action. I am a resident of or employed in the county where the mailing took place.
2. My residence or business address is:
742 Evergreen Terrace
Bakersfield, CA 93310
3. On (date): 4/14/2021 I mailed from (city and state): Bakersfield, CA
the following documents (specify):
CR-180 Petition for Dismissal, CR-181 Order for Dismissal

Your server doesn't need to write anything next to paragraph 1.

Your server needs to write their home address for paragraph 2.

For paragraph 3, your server needs to write the date they mailed your CR-180 and CR-181, NOT THE DATE THEY FILLED OUT THE FORM. They must state what city and state they mailed it from, and the documents they mailed. It is not good enough to write "Paperwork" or "Expungement documents." Your server should specify the exact names of the documents they served.

Proof of Service

4. I served the documents by enclosing them in an envelope and (check one):
- a. depositing the sealed envelope with the United States Postal Service with the postage fully prepaid.
 - b. placing the envelope for collection and mailing following our ordinary business practices. I am readily familiar with this business's practice for collecting and processing correspondence for mailing. On the same day that correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the United States Postal Service in a sealed envelope with postage fully prepaid.
5. The envelope was addressed and mailed as follows:
- a. **Name of person served:** Kern County District Attorney
 - b. **Address of person served:**
1215 Truxtun Avenue, 4th Floor, Bakersfield, CA 93301

Your server must check one box or the other for paragraph 4. For the purposes of almost anyone viewing this presentation, the box to check will be A. It is just stating they put the stamped envelope in the mail with the CR-180 & CR-181 inside.

Your server must also write the name and address of the recipient. Above is an example for the Proof of Service on the Kern County District Attorney's office at 1215 Truxtun Ave., Bakersfield, CA 93301.

Proof of Service

4. I served the documents by enclosing them in an envelope and (check one):
- a. depositing the sealed envelope with the United States Postal Service with the postage fully prepaid.
 - b. placing the envelope for collection and mailing following our ordinary business practices. I am readily familiar with this business's practice for collecting and processing correspondence for mailing. On the same day that correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the United States Postal Service in a sealed envelope with postage fully prepaid.
5. The envelope was addressed and mailed as follows:
- a. **Name of person served:** Kern County District Attorney
 - b. **Address of person served:**
1215 Truxtun Avenue, 4th Floor, Bakersfield, CA 93301

A frequently asked question at this stage is: Can I just do one Proof of Service for the DA and PD?

The answer is NO.

You must do a unique Proof of Service for each recipient. Since your server will need to serve both the DA and PD, they will need to complete a total of two Proofs of Service, and only list one recipient each. They must date and sign both - do not staple them to each other.

Proof of Service

Final Notes/Reminders on Proofs of Service

- 1) If your server gives the DA and PD your papers by mail, you should add 5 days to the 15 you count out for scheduling your hearing, so that the DA & PD have time for the mail to get their copies to them.
- 2) You must file the Proofs of Service with the court along with your ORIGINAL CR-180 & CR-181. The DA & PD just get copies of the CR-180 & CR-181.
- 3) You can't serve your own documents. Find anyone - neighbors, friends, family, acquaintances - they just have to be over 18 and not named as a party to the case.

Almost Done

After you

1) Fill out your CR-180 & CR-181,

&

2) Have copies of them served on the DA & PD,

you must

3) File your original CR-180, CR-181, and 2 Proofs of Service with the appropriate court.

Filing your Documents

The best thing you can do to confirm how to file your documents is to contact the criminal department where you need to file and ask them how.

The clerks are there to assist with information on how to file documents, so they should be able to explain to you clearly how to do it, but:

Each courthouse has a dropbox for hand-delivered filings.

Each courthouse accepts filings by mail.

Filing your Documents

Though this is unlikely to be a permanent policy that survives the closures caused by Covid-19, the clerks of court may also accept your filings via email or fax.

Again: contact the criminal division in the courthouse you will be filing your documents with to confirm details - they are there to assist with information like this, so do not hesitate.

The Kern County Law Library also keeps up to date instructions on its Self-Help page on expungements at www.kclawlib.org

Attend Your Hearing

If you are viewing this content, we assume you are not represented by an attorney. If you are a misdemeanor and are represented by an attorney, you do not necessarily have to attend your hearing - your attorney should be the one to help you make that determination, so stay in constant contact with them for instructions on whether to attend.

EVERYONE ELSE: PLEASE GO TO YOUR HEARING.

Do not select a date for your hearing you cannot arrange well in advance to have available. Even though the hearing time may state "8:30 AM" you should be prepared to spend at least half a day at the court.