

HOW TO ORGANIZE A RECORD CHANGE CLINIC **APPENDIX**



CALIFORNIANS
FOR **SAFETY** AND **JUSTICE**

safeandjust.org

APPENDIX A

The following organizations and partnerships have been instrumental in organizing Californians to change the policies that have led to mass incarceration, as well as helping their clients understand and pursue opportunities to change their criminal records and rebuild their lives — after Proposition 47’s passage but also well before. They are the true experts and are available to answer questions, especially county-specific questions. To find other organizations offering free Proposition 47 and Clean Slate services, visit safeandjust.org/county-map.



Alameda County Clean Slate Clinic

The Alameda County Clean Slate Clinic, a partnership of the East Bay Community Law Center and Alameda County Public Defender’s Office, launched a countywide Clean Slate Program in April 2013 to help people with criminal convictions clear up their records. In its first year, the Clinic filed over 600 motions with a 93% success rate. The Clinic also helps clients overcome barriers to employment, housing, education, public benefits and civic participation. Learn more at: co.alameda.ca.us/defender/services/cleanslate.htm.



A New Way of Life Reentry Project

A New Way of Life Reentry Project (ANWOL) provides housing and support services to formerly incarcerated women in South Central Los Angeles, facilitating a successful transition back to community life. Since its founding in 1998, ANWOL has helped transform the lives of more than 600 women and their children. Learn more at: anewwayoflife.org.



Drug Policy Alliance — California

The Drug Policy Alliance (DPA) is the nation’s leading organization promoting drug policies that are grounded in science, compassion, health and human rights. For more than 15 years in California, the DPA has sponsored and supported some of the nation’s most progressive drug policy reforms, including significant reforms in the arenas of marijuana access, harm reduction and criminal justice. Learn more at: drugpolicy.org/california.



East Bay Community Law Center

The mission of the East Bay Community Law Center (EBCLC) is to promote justice and build a community that is more healthy, secure, productive and hopeful. EBCLC advances this mission by providing legal services and policy advocacy that are responsive to the needs of low-income communities, as well as law training that prepares future attorneys to be skilled and principled advocates that are committed to finding innovative solutions to the cause and conditions of poverty. Founded in 1988 — as the Berkeley Community Law Center — by law students from the University of California, Berkeley, School of Law, EBCLC has grown to become the largest provider of free legal services in the East Bay. Learn more at: ebclc.org.



Ella Baker Center for Human Rights

The Ella Baker Center for Human Rights, named for an unsung hero of the civil rights movement who inspired and guided emerging leaders, advances racial and economic justice to ensure dignity and opportunity for low-income people and people of color. For over 17 years, the Ella Baker Center has formed unlikely coalitions and won positive change that breaks the cycle of disinvestment and incarceration in communities of color. Learn more at: ellabakercenter.org.



Homeboy Industries

Started as a small jobs program, “Jobs for a Future”, as part of the Dolores Mission in 1988, Homeboy Industries was founded in 2001, and has grown to become one of the largest, most comprehensive and most successful gang intervention, rehabilitation and reentry programs in the country. Each year over 10,000 former gang members from across Los Angeles come through Homeboy Industries’ doors in an effort to make positive changes. They are welcomed into a community of mutual kinship, love and a wide variety of services ranging from tattoo removal to anger management and parenting classes. Full-time employment is offered for more than 200 men and women at a time through an 18-month program that helps them reidentify who they are in the world, offers job training so they can move on from Homeboy Industries and become contributing members of the community — knowing they count! Learn more at: homeboyindustries.org.



Lawyers' Committee for Civil Rights of the San Francisco Bay Area

The Lawyers' Committee for Civil Rights of the San Francisco Bay Area (LCCR), founded in 1968, works to advance, protect and promote the legal rights of communities of color, and low-income persons, immigrants and refugees. Assisted by hundreds of pro bono attorneys, LCCR provides free legal assistance and representation to individuals on civil legal matters through direct services, impact litigation and policy advocacy. LCCR's Second Chance Legal Clinic provides free legal reentry services in areas such as expungement, housing and employment rights, occupational licensing, driver's licenses suspensions and criminal background reports. Additionally, LCCR operates California's only Immigrant Post-Conviction Relief Project, utilizing legal tools in criminal courts to eliminate the disastrous immigration consequences that are tearing apart our communities. Learn more at: lccr.com.



Legal Aid Foundation of Los Angeles

For more than 85 years, the Legal Aid Foundation of Los Angeles (LAFLA) has provided civil legal services to poor and low-income people in Los Angeles County. In 2001, LAFLA merged with the Legal Aid Foundation of Long Beach, resulting in more resources and a greater reach to people in need. Now with five neighborhood offices, three Domestic Violence Clinics and four Self-Help Legal Access Centers, LAFLA serves communities as diverse as East Los Angeles, the Westside, South Los Angeles, Koreatown and Long Beach. LAFLA is the first place that thousands of poor people turn to when they need legal assistance for crises that threaten their shelter, health and livelihoods. Nearly 12,000 individuals and families are provided with legal services annually and an additional 35,000 litigants are helped through LAFLA's Self-Help Legal Access Centers. Another 20,000 are assisted through referrals, workshops and community outreach activities. Learn more at: lafla.org/about.php.



Legal Services for Prisoners with Children /All of Us or None

Legal Services for Prisoners with Children (LSPC) organizes communities impacted by the criminal justice system and advocates to release incarcerated people, to restore human and civil rights, and to reunify families and communities. LSPC builds public awareness of structural racism in policing, the courts and prison system, and advances racial and gender justice in all their work. LSPC's strategies include legal support, trainings, advocacy, public education, grassroots mobilization and developing community partnerships. LSPC provides clean slate services in partnership with ***All of Us or None***, a grassroots civil and human rights organization working with formerly incarcerated individuals, their families and allies to create and strengthen community and end discrimination against people with conviction histories. Learn more at: prisonerswithchildren.org.



Los Angeles County Public Defender's Office

The Los Angeles County Public Defender is a law office established and funded by the County of Los Angeles, whose mission is to protect the life and liberty of adults and children in matters having penal consequences. The attorneys and other staff employed by the office render legal services to individuals who are accused of public offenses and who cannot afford to retain the services of a private attorney. They also assist individuals in Los Angeles County with Proposition 47 Petitions. Learn more at: pd.co.la.ca.us/About_mission.html.



Neighborhood Legal Services of Los Angeles County

Founded in 1965 as part of the nation's War on Poverty, Neighborhood Legal Services of Los Angeles County (NLSLA) provides free assistance to more than 100,000 individuals and families through innovative projects that expand access to justice and address the most critical needs of Los Angeles' poverty communities. Through a combination of direct representation, policy advocacy and impact litigation, NLSLA attorneys work to reduce the effects of poverty in low-income communities, support the development of opportunities for individuals and families to move themselves out of poverty, and protect and enforce the legal rights of poor people by ensuring access to our justice system. Learn more at: nlsla.org.



San José Record Clearance Project

The San José State University Record Clearance Project (RCP) engages undergraduates in assisting eligible people to clear their criminal records. Founded in January 2008, the RCP helps people clear criminal records in court, provides individualized reviews of people's RAP sheets at "Speed Screening" drop-in advice sessions and provides the next steps in clearing the client's record, gives legal education presentations on expungement law in the community and in Elmwood Jail and offers a Path to Expungement mentoring program helping people transition from custody and helping them expunge convictions in court. Learn more at: sjsu.edu/justicestudies/programs-events/rcp.



Starting Over, Inc.

Starting Over, Inc., is a nonprofit that serves both the Los Angeles and Inland Empire counties, providing post-conviction relief in the form of Proposition 47 and clean slate remedies. They specialize in transitional housing, community services, community health services, community living services and more. For over a decade, they have been assisting low-income men, women and children in need of housing through low-cost transitional housing and reentry services. Learn more at: startingoverinc.net.



Watsonville Law Center

Since its founding in 2000, the Watsonville Law Center (WLC) has been working with community partners to help educate, exercise and enforce the rights of low-income individuals and families in San Benito, Santa Cruz and Monterey counties. WLC provides free legal advice to low-income individuals, as well as referrals to other free and low-cost legal resources. WLC's legal services, community education and advocacy improve access to housing, health, employment and family stability for vulnerable households on California's Central Coast. Learn more at: watsonvillelawcenter.org.

Appendix B

Proposition 47 Offenses

SENTENCING UNDER PROPOSITION 47, *Effective 11-5-14.* *Document changes, 11-13-14*

The offenses below, except for Penal Code §666(a), are misdemeanors, unless the defendant has suffered one or more designated prior convictions. (See Appendix C.) *Except for H&S C §11350, if there is a designated prior, the defendant may be sentenced to 16 months, 2 or 3 years, pursuant to Penal Code § 1170(h). H&S C §11350(a), requires a 16-2-3 (h) sentence when there is a designated prior conviction.*

Offense Penal Code §	Description	Maximum Punishment Without Designated Prior	Punishment with Designated Prior
459** (to shoplift), is now the crime of <i>shoplifting</i> , §459.5(a) ^m	Shoplifting, entering a commercial establishment during regular business hours where the property taken or intended to be taken, is \$950 or less. Can't charge with burglary (459**) or theft (484-490.5) of the same property, <i>Pen C. §459.5(b.)</i>	6 months, and/or fine up to \$1,000. (See, Pen C §19.)	16-2-3 ^w (h)
473(b)	Forgery relating to a check, bond, bank bill, note, cashier's check, traveler's check, or money order, where the value is \$950 or less. This subdivision does not apply if the defendant is convicted of both forgery and identity theft (Pen C §530.5).	1 year.*	16-2-3 ^w (h)
476a(b)	If total of all NSF checks is \$950 or less. 476a(b) ^m does not apply if the defendant has suffered 3 or more prior convictions for Section 470, 475, 476, 476a, or petty theft which was also a violation of 470, 475, 476, or 476a. Foreign priors with all the elements qualify.	1 year.*	16-2-3 ^w (h)
484 with prior	See, 666, below		
484(a)	Theft	6 months when loss does not exceed \$950. See Pen C §490.2	16-2-3 ^w (h)
484b	Diversion of construction funds		
484c	Obtaining construction funds by false voucher		
484e(a); (b); (d)	Theft of access cards		
487(b)(1); (b)(2)	Theft of fowl, fruits, nuts... Theft of shell fish...		
487(c)	Theft from the person		
487(d)(1); (d)(2)	Theft of an automobile or designated animal; Theft of a firearm		
487a	Stealing a carcass		
487b	Converting real estate into personal property by severance. The maximum punishment for misdemeanor conversion remains at 1 year. Pen C §487c,		
487d	Theft from a mining claim		

Offense Penal Code §	Description	Maximum Punishment Without Designated Prior	Punishment with Designated Prior
487g	Stealing an animal for medical research...		
487i	Public housing fraud		
490.2(a) ^m	Any theft \$950 or less is petty theft, punished as a <i>misdemeanor</i> . (Pen C §19, sets the maximum punishment at 6 months unless a different punishment is prescribed.)		
Pen C §490.2(a): “Notwithstanding Section 487 or any other provision of law defining grand theft, obtaining any property by theft where the value of the money, labor, real or personal property taken does not exceed nine hundred fifty dollars (\$950) shall be considered petty theft and shall be punished as a misdemeanor,...” Pen C §503, et.al, is in this list. No effort was made to include every conceivable offense which may be classified as theft.			
496(a)	Possession of stolen property with a value of \$950 or less is a misdemeanor.	1 year.*	16-2-3 ^w (h)
503; 504; 504a; 504b; 505; 506; 506a	Embezzlement is punishable as a theft. (See, Pen C §§490a, 514	See 490.2	16-2-3 ^w (h)
664/496	Attempt to receive stolen property, in excess of \$950.	1 year ⁸	16-2-3 ^w (h)
666(a) ^w	Petty theft by: ▶ a sex registrant (<i>not limited to 290(c)</i>), ▶ or one who has a prior designated in Table 2, ▶ or who has served time for a prior conviction for: robbery (<i>Pen C §211</i>); carjacking, (<i>Pen C § 215</i>); 368(d), (<i>theft from an elder by a non-caretaker</i>), 368((e) (<i>theft from an elder by a caretaker</i>); burglary (<i>Pen C §459</i>); petty theft (<i>Pen C §484</i>); grand theft (<i>Pen C § 487 (probably as defined by Prop 47)</i> ; ▶ or a felony violation of Pen C §496 ▶ or auto theft under Veh C §10851. This section does not preclude prosecution under 667((b-i) or 1170.12. (Pen C §666(c).)	Up to 1 year * as a misdemeanor, or 16-2-3 (h). ^{sp}	16-2-3 ^w ^{sp}
Health & Safety Code			
11350(a)	Possession of a narcotic. H&S §11054(e), [<i>mecloqualone, methaqualone & GHB</i>], has been added to H&S §11350(a)	1 year * It is either a misdemeanor or a felony.	16-2-3 ^t (h)
11350(b)	Former 11350(b), a wobbler, is now included in 11350(a), above.		
11357	Possession of concentrated cannabis.	1 year *, \$500.	16-2-3 ^w (h)
11377	Possession of a controlled substance.	1 year *.	16-2-3 ^w (h)

* 1 year is 364 days, effective 1-1-15. (Pen C §18.5

NOTE: This table was prepared by Hon. John "Jack" Ryan, Orange County Superior Court (Ret.) as Appendix III of *PROPOSITION 47: The Safe Neighborhoods and Schools Act*, by J. Richard Couzens, Judge of the Superior Court, County of Placer (Ret.) and Tricia A. Bigelow, Presiding Justice, Court of Appeal, 2nd Appellate, District, Div. 8 (August 2015), available at <http://www.courts.ca.gov/documents/Prop-47-Information.pdf>.

Appendix C

Table of Disqualifying Prior Convictions

<i>Prior Conviction</i>	<i>Description</i>	<i>Authority Pen C Sections</i>
Any Serious or Violent Felony punishable in California by life imprisonment or death.		667(e)(2)(C)(iv)(VIII)
182(a)	Conspiracy to commit any mandatory sex registration offense	Pen C §290(c)
187	Murder or attempt. (Any homicide or attempt from 187 to 191.5	667(e)(2)(C)(iv)(IV)
187	Murder in perpetration or attempt: 261, 286, 288, 288(a), 289.	Pen C §290(c)
191.5	Vehicular manslaughter while intoxicated or attempt.	667(e)(2)(C)(iv)(IV)
207	Kidnap to ... §261, 262, 264.1, 286, 288, 288a, or 289. (Kidnap, as defined in Pen C §207 does not include attempts to commit a defined sex offense.)	667(e)(2)(C)(iv)(I)
207	Kidnap to 261, 286, 288, 288(a), 289, 220 sex	Pen C §290(c)
207(b)	Kidnap to child molest (<i>eff. 1-1-95 to 1-1-98</i>)	Pen C §290(c)
208(d)	Kidnap to rape/oral cop./sodomy/foreign object (<i>eff. 1-1-96 to 1-1-98</i>)	Pen C §290(c)
209	Kidnap to violate §261, 262, 264.1, 286, 288, 288a, or 289.	667(e)(2)(C)(iv)(I)
209	Aggravated Kidnap to 261, 286, 288, 288(a), 289, 220 sex	Pen C §290(c)
220	Assault to violate 261, 262, 264.1, 286, 288, 288a, or 289. (Pen C § 220 specifies <i>rape</i> as a designated offense. It does not use a section number, 261 (rape) or 262 (spousal rape).	667(e)(2)(C)(iv)(I)
220	Assault to commit sex crime.	Pen C §290(c)
236.1(b)	Human trafficking with intent to effect a designated crime	Pen C §290(c)
236.1(c)	Human trafficking Inducing a minor to engage in ...	Pen C §290(c)
243.4	Sexual Battery ^b	Pen C §290(c)
245(d)(3)	Assault with a machine gun on a peace officer or firefighter	667(e)(2)(C)(iv)(VI)
261	Rape	Pen C §290(c)
261(a)(2)	Rape by force.	667(e)(2)(C)(iv)(I)
261(a)(6)	Rape by threat to retaliate.	667(e)(2)(C)(iv)(I)
262(a)(1)	Spousal rape w/force and a prison sentence	Pen C §290(c)
262(a)(2)	Spousal rape by force.	667(e)(2)(C)(iv)(I)
262(a)(4)	Spousal rape by threat to retaliate.	667(e)(2)(C)(iv)(I)
264.1	Rape in concert by force or violence	667(e)(2)(C)(iv)(I)
264.1	Rape or 289(a) in concert	Pen C §290(c)
266	Enticing an unmarried child for purpose of prostitution	Pen C §290(c)
266c	Inducing consent by fraud	Pen C §290(c)
266h(b)	Pimping, prostitute < 16	Pen C §290(c)
266i(b)	Pandering, prostitute < 16	Pen C §290(c)
266j	Procurement of child	Pen C §290(c)
267	Abducting a child for prostitution	Pen C §290(c)
269	Aggravated sexual assault of a child.	667(e)(2)(C)(iv)(I)
269	Aggravated sexual assault of a child < 14	Pen C §290(c)
272	Contributing...involving a lewd act	Pen C §290(c)
285	Incest	Pen C §290(c)

<i>Prior Conviction</i>	<i>Description</i>	<i>Authority Pen C Sections</i>
286	Sodomy	Pen C §290(c)
286(c)(1)	Sodomy with child <14 + 10 years age differential.	667(e)(2)(C)(iv)(II)
286(c)(2)(A)	Sodomy by force.	667(e)(2)(C)(iv)(I)
286(c)(2)(B)	Sodomy by force upon child <14	667(e)(2)(C)(iv)(I)
286(c)(2)(C)	Sodomy by force upon child >14	667(e)(2)(C)(iv)(I)
286(c)(3)	Sodomy with threat to retaliate	667(e)(2)(C)(iv)(I)
286(d)(1)	Sodomy in concert by force..., threat to retaliate.	667(e)(2)(C)(iv)(I)
286(d)(2)	Sodomy in concert by force upon child <14	667(e)(2)(C)(iv)(I)
286(d)(3)	Sodomy in concert by force upon child >14	667(e)(2)(C)(iv)(I)
288	Lewd act upon a child	Pen C §290(c)
288(a)	Lewd act upon a child under the age of 14	667(e)(2)(C)(iv)(III)
288(b)(1)	Lewd act upon a child by force...	667(e)(2)(C)(iv)(I)
288(b)(2)	Lewd act by caretaker by force...	667(e)(2)(C)(iv)(I)
288a	Oral Copulation	Pen C §290(c)
288a(b)(1)	Oral copulation with a person under the age of 18	Pen C §290(c)
288a(b)(2)	Oral copulation with a person under the age of 16	Pen C §290(c)
288a(c)(1)	Oral copulation upon a child <14 + 10 years...	667(e)(2)(C)(iv)(III)
288a(c)(2)(A)	Oral copulation by force	667(e)(2)(C)(iv)(I)
288a(c)(2)(B)	Oral copulation by force... force upon child <14.	667(e)(2)(C)(iv)(I)
288a(c)(2)(C)	Oral copulation by force... force upon child >14.	667(e)(2)(C)(iv)(I)
288a(d)	Oral copulation in concert by force.	667(e)(2)(C)(iv)(I)
288.2(a)	Felony distribution of harmful matter/minor(<i>eff. 1-1-90</i>)	Pen C §290(c)
288.2(b)	Felony distribution of harmful matter/minor by e-mail, etc	Pen C §290(c)
288.3	Arranging meeting with a minor for a lewd act. etc.	Pen C §290(c)
288.5	Continuous sexual abuse	Pen C §290(c)
288.5(a)	Continuous sexual abuse of a child with force...	667(e)(2)(C)(iv)(I)
288.7(a)	Intercourse or sodomy with a child less aged 10 or younger.	Pen C §290(c)
288.7(b)	Oral copulation, or sexual penetration /child 10 or younger	Pen C §290(c)
289	Sexual Penetration.	Pen C §290(c)
289(a)(1)(A)	Sexual penetration by force, etc.	667(e)(2)(C)(iv)(I)
289(a)(1)(B)	Sexual penetration upon a child <14 by force...	667(e)(2)(C)(iv)(I)
289(a)(1)(C)	Sexual penetration upon a child >14 by force...	667(e)(2)(C)(iv)(I)
289(a)(2)(C)	Sexual penetration by threat to retaliate.	667(e)(2)(C)(iv)(I)
289(d)	Sexual penetration with an unconscious person.	Pen C §290(c)
289(h)	Sexual penetration with a child under the age of 18	Pen C §290(c)
289(j)	Sexual penetration upon a child <14 + 10 years...	667(e)(2)(C)(iv)(II)
311.1	Material depicting a child in sexual conduct	Pen C §290(c)
311.2(b)	Distribution, etc., of obscene matter for commercial purposes	Pen C §290(c)
311.2(c)	Distribution, etc., of obscene matter to someone 18 or older	Pen C §290(c)
311.2(d)	Distribution, etc., of obscene matter to a minor	Pen C §290(c)
311.3	Sexual exploitation/child	Pen C §290(c)
311.4	Use of minor in distribution of obscene matter	Pen C §290(c)
311.10	Advertising obscene matter depicting minors	Pen C §290(c)
311.11	Possession of child pornography	Pen C §290(c)
314.1	Indecent exposure	Pen C §290(c)
314.2	Indecent exposure	Pen C §290(c)
647(a), <i>former</i>	Loitering at toilet to solicit a lewd act	Pen C §290(c)
647.6	Child annoyance	Pen C §290(c)
653f	Solicitation to commit murder.	667(e)(2)(C)(iv)(V)

<i>Prior Conviction</i>	<i>Description</i>	<i>Authority Pen C Sections</i>
653f(c)	Solicit another to commit forcible rape /288(a)(c) /264.1 /288 /289	Pen C §290(c)
664/191.5	Attempt vehicular manslaughter while intoxicated	667(e)(2)(C)(iv)(IV)
664/187	Attempt murder	667(e)(2)(C)(iv)(IV)
664/any 290(c)	Any attempt on a mandatory sex registerable offense	Pen C §290(c)
11418(a)(1)	Possession of a weapon of mass destruction	667(e)(2)(C)(iv)(VII)

► There are many strike felonies which are not included Pen C §667(e)(2)(C)(iv). Gang crimes, robberies, residential burglaries, etc. i.e., an 11350 with three 211 priors is a misdemeanor!

NOTE: This table was prepared by Hon. John “Jack” Ryan, Orange County Superior Court (Ret.) as Appendix II of *PROPOSITION 47: The Safe Neighborhoods and Schools Act*, by J. Richard Couzens, Judge of the Superior Court, County of Placer (Ret.) and Tricia A. Bigelow, Presiding Justice, Court of Appeal, 2nd Appellate, District, Div. 8 (August 2015), available at <http://www.courts.ca.gov/documents/Prop-47-Information.pdf>.

Appendix D
Sample Court Forms

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.)

PEOPLE OF THE STATE OF CALIFORNIA v. DEFENDANT:

CASE NUMBER:

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)

PEOPLE OF THE STATE OF CALIFORNIA v. DEFENDANT:

CASE NUMBER:

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)

NAME, ADDRESS, AND TELEPHONE NUMBER OF ATTORNEY OR PARTY WITHOUT ATTORNEY:	STATE BAR NUMBER (IF APPLICABLE)	Reserved for Clerk's File Stamp
ATTORNEY FOR (Name):		
SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES		
COURTHOUSE ADDRESS:		
PETITIONER/PLAINTIFF:		
RESPONDANT/DEFENDANT:		CASE NUMBER:
PROOF OF SERVICE		

- At the time of service I was over 18 years of age.
- My residence or business address is: _____

- Type of Service:

☐ **BY MAIL:**

On _____ I served the Petition for Recall and Resentencing/Application to Designate Felony Conviction as Misdemeanor, in this case by placing a copy thereof, enclosed in a sealed envelope with first class postage prepaid, in the United States Mail at _____, in the county of _____, State of California,
CITY COUNTY
said envelope having been address as follows:

Name of party served: _____
Street address: _____
City, State, Zip Code: _____

At the time of mailing, I was employed or resided in the county where said mailing occurred.

☐ **PERSONAL SERVICE:**

On _____ I personally delivered to and left copies of the Petition for Recall and Resentencing/Application to Designate Felony Conviction as Misdemeanor, in this case with the party served at the address below:

Name of party served: _____
Street address: _____
City, State, Zip Code: _____

- Executed on _____ at _____, California.
DATE CITY

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

Dated: _____
Signature of Declarant

PROOF OF SERVICE

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*):

PEOPLE OF THE STATE OF CALIFORNIA v DEFENDANT:

CASE NUMBER:

6. If this order is granted under the provisions of Penal Code section 1203.4 or 1203.41:
- 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.
 - 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).

FOR COURT USE ONLY

Date:

(JUDICIAL OFFICER)

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, Address.): <div style="display: flex; justify-content: space-between;"> <div>Telephone No.: Facsimile No.:</div> <div>Bar No.: E-Mail address (optional):</div> </div>	FOR COURT USE ONLY
SUPERIOR COURT OF CALIFORNIA, COUNTY OF _____ <input type="checkbox"/>	
People of the State of California <div style="text-align: center;">vs.</div> Defendant:	
PENAL CODE 1203.3 PETITION FOR MODIFICATION/TERMINATION OF PROBATION, NOTICE OF HEARING and COURT ORDER (MISDEMEANOR)	Case Number:

1. I _____, the ☐ Defendant ☐ Attorney for Defendant in the above entitled action hereby request an order terminating probation.
2. The defendant is currently on ☐ FORMAL ☐ INFORMAL probation.
3. I offer the following information for the courts consideration (*state reasons you feel termination is justified, attach a separate page if necessary*):

4. **CASE CALENDAR FOR:** _____ at 8:00 A.M. in Dept. ____ for request of modification of sentence.
5. ☐ All restitution obligations as ordered on the above case have been fulfilled.
6. ☐ A removal order is requested, the defendant is in-custody at the Orange County Jail.

I declare under the 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 Petitioner)

For Clerk's Office Use Only

CLERK'S CERTIFICATE OF SERVICE/NOTICE OF HEARING

1. I certify that I am not a party to this action.
2. I further certify that I placed a copy of this notice in an area specially designated for personal delivery within the _____ Justice Center to the following parties, ☐ District Attorney; ☐ _____ City Attorney; ☐ Probation Department; ☐ Public Defender. I am readily familiar with the local practice for the collection of in house mail and that this notice was delivered on the date reflected below.

This notice was delivered on (date): _____

ALAN CARLSON, Clerk of the Court

By: _____
Deputy Clerk

COURT ORDER

Petition: ☐ Granted ☐ Denied ☐ Granted as modified: _____

Date: _____ Judge of the Superior Court: _____

_____, PUBLIC DEFENDER

Attorneys for Petitioner

SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF _____

PEOPLE OF THE STATE OF CALIFORNIA,

v.

Defendant.

Case No. _____

**MOTION TO WITHDRAW GUILTY
OR NOLO CONTENDERE PLEA,
ENTER NOT GUILTY PLEA,
AND DISMISS THE COMPLAINT OR
INFORMATION PURSUANT TO
PENAL CODE SECTION 1203.43**

TO: HONORABLE JUDGE _____ OF THE SUPERIOR COURT:

Defendant, _____, pled guilty or nolo contendere, and
was granted deferred entry of judgment pursuant to Penal Code section 1000 *et seq.*, for a violation
of Section(s):

☐ Health and Safety Code § _____

☐ _____ Code § _____

1 Penal Code section 1203.43 states “that the statement in Section 1000.4, that ‘successful
2 completion of a deferred entry of judgment program shall not, without the defendant's consent, be
3 used in any way that could result in the denial of any employment, benefit, license, or certificate’
4 constitutes misinformation about the actual consequences of making a plea in the case of some
5 defendants, including all noncitizen defendants, because the disposition of the case may cause
6 adverse consequences, including adverse immigration consequences... [B]ased on this
7 misinformation and the potential harm, the defendant’s prior plea is rendered invalid.” (Pen. Code §
8 1203.43, subd. (a).)

9 Penal Code Section 1203.43 further provides that “[f]or the above-specified reason, in any
10 case in which a defendant was granted deferred entry of judgment on or after January 1, 1997, has
11 performed satisfactorily during the period in which deferred entry of judgment was granted, and for
12 whom the criminal charge or charges were dismissed pursuant to Section 1000.3, the court shall,
13 upon request of the defendant, permit the defendant to withdraw the plea of guilty or nolo
14 contendere and enter a plea of not guilty, and the court shall dismiss the complaint or information
15 against the defendant. If court records showing the case resolution are no longer available, the
16 defendant's declaration, under penalty of perjury, that the charges were dismissed after he or she
17 completed the requirements for deferred entry of judgment, shall be presumed to be true if the
18 defendant has submitted a copy of his or her state summary criminal history information maintained
19 by the Department of Justice that either shows that the defendant successfully completed the
20 deferred entry of judgment program or that the record is incomplete in that it does not show a final
21 disposition. For purposes of this section, a final disposition means that the state summary criminal
22 history information shows either a dismissal after completion of the program or a sentence after
23 termination of the program.” (Pen. Code § 1203.43, subd. (b).)

1 During the period in which deferred entry of judgment was granted, defendant performed
2 satisfactorily and the criminal charges or charges were dismissed pursuant to Penal Code section
3 1000.3. Therefore, pursuant to newly enacted Penal Code section 1203.43, effective January 1,
4 2016, the defendant respectfully requests permission to withdraw the plea of guilty or nolo
5 contendere, enter a plea of not guilty, and also requests that this court dismiss the complaint or
6 information.

7 **Dated:** _____

8 _____, PUBLIC DEFENDER

9
10 By: _____
Deputy Public Defender

ORDER

Pursuant to Penal Code section 1203.43, the court hereby permits the defendant to withdraw his or her plea of guilty or nolo contendere, enter a plea of not guilty, and dismisses the complaint or information against the defendant.

Dated this _____ day of _____, 201__.

(Seal of Court)

Judge of the _____ Superior Court

CERTIFICATE OF REHABILITATION AND PARDON

QUICK REFERENCE FOR RESTORATION OF RIGHTS

In California, the granting of a Certificate of Rehabilitation or a Governor's pardon restores to the applicant some rights of citizenship that were forfeited as a result of a conviction.

CERTIFICATE OF REHABILITATION	GOVERNOR'S PARDON
<p style="text-align: center;"><i>DOES:</i></p> <ul style="list-style-type: none"> • Relieve <u>some</u> sex offenders, as specified, of further duty to register. (Pen. Code, § 290.5.) • Enhance a felon's potential for licensing consideration by a State board. (Pen. Code, § 4853.) • Serve as an official document to demonstrate a felon's rehabilitation, which could enhance employment possibilities. • Serve as an automatic application for a gubernatorial pardon. <p style="text-align: center;"><i>DOES NOT:</i></p> <ul style="list-style-type: none"> • Erase the felony conviction or seal the criminal record. (Pen. Code, § 4852.17.) • Prevent the offense from being considered as a prior conviction if the person is later convicted of a new offense. • Allow a felon to answer on employment applications that he/she has no record of conviction. • Give a felon the right to vote, because this right is automatically restored after discharge from parole. • Restore the right to own or possess firearms. 	<p style="text-align: center;"><i>DOES:</i></p> <ul style="list-style-type: none"> • Allow a felon to serve on a jury trial. (Code Civ. Proc., § 203 subd. (a)(5).) • Allow restoration of firearms rights, upon federal approval, to specified offenders who have obtained a certificate of rehabilitation if granted a full and unconditional pardon, <i>unless</i> the conviction was for a felony involving the use of a dangerous weapon. (Pen. Code, § 4852.17.) • Allow a felon to be considered for appointment as a county probation officer or a state parole agent, but not to any other peace officer positions. (Gov. Code, § 1029, subd. (c).) • Allow specified sex offenders still required to register after obtaining a Certificate of Rehabilitation to be relieved of their duty to register if granted a full and unconditional pardon. (Pen. Code, § 290.5.) <p style="text-align: center;"><i>DOES NOT:</i></p> <ul style="list-style-type: none"> • Seal or erase the record of conviction. (Pen. Code, § 4852.17.) • Prevent the pardoned offense from being considered as a prior conviction if the person is later convicted of a new offense. • Allow a pardoned person to answer on employment applications that he/she has no record of conviction. • Restore ability to own a firearm to felons convicted of any offense involving the use of a dangerous weapon. (Pen. Code, § 4854.) • Pardon convictions from another state, or federal convictions. • Necessarily prevent deportation.

FORM 1 INSTRUCTIONS

1. After completing the ***Petition for Certificate of Rehabilitation and Pardon***, file it with the County Clerk's office in the county in which you reside. In every case, you must have resided continuously for **five (5)** years in this state prior to filing the petition.
2. The period of rehabilitation begins to run upon your discharge from custody or upon release on parole or probation, whichever is sooner. The period of rehabilitation shall constitute **five (5)** years residence in this state, **plus** a period of time determined by the following rules:
 - To the **five (5)** years there shall be added **four (4)** years in the case of any person convicted of violating Section 187, 209, 219, 4500, or 12310 of the penal code, or subdivision (a) of Section 1672 of the Military and Veterans Code, or any other offense which carries a life sentence.
 - To the **five (5)** years there shall be added **two (2)** years in the case of any person convicted of committing any offense not listed above and which does not carry a life sentence. (The majority of applicants require a **seven-year** rehabilitation period).
 - To the **five (5)** years the trial court hearing the application for the Certificate of Rehabilitation may add additional years when a person has served consecutive sentences. The amount of additional time will not exceed the sum of the maximum penalties for all the crimes.
 - Any person discharged after completion of his/her term or released on parole before May 13, 1943, is not subject to the periods of rehabilitation set forth in these rules.
3. If you were released on felony probation and successfully completed probation, you must obtain relief under Penal Code Section 1203.4 before applying for a Certificate of Rehabilitation.
4. You are entitled to be represented by an attorney of your own selection, or by the public defender. You are entitled to receive assistance from all rehabilitative agencies including officers from adult probation and parole, and for persons under the age of 30 years, from the Youth Authority.
5. It is unlawful for anyone, other than an attorney, to accept any fee, money or anything of value for their services in representing you in this proceeding.
6. You are not required to pay filing fees of any kind in connection with this proceeding.
7. When the Court sets a hearing date on your Petition, you are required to give notice of that date at least thirty (30) days before the hearing. You must formally notify the District Attorney for each county in which you have been convicted, and the Governor's Office.
8. A Certificate of Rehabilitation is not an automatic pardon; it is only an automatic application for a pardon.

IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA
IN AND FOR THE COUNTY OF _____

Applicant's County of Residence

In the Matter of the Application of

Type Applicant's Full Name - First Middle Last and Suffix, if applicable

Date of Birth _____

Month Day, Year

CII Number _____

Criminal Case Number(s) _____

List applicable Criminal Case Number(s)

Court use only

PETITION FOR CERTIFICATE OF REHABILITATION AND PARDON

Pursuant to Penal Code Sections 4852.01 and 4852.06

The above-named applicant hereby respectfully represents and shows that:

FELONY HISTORY

[All felony convictions must be listed. If you have suffered more than three (3) felony convictions, attach additional sheets following the same format.]

Most Recent Felony Conviction

On or about _____, I was convicted of the crime of _____

Month Day, Year

Indicate crime and Penal Code Section

in the county of _____, California. My sentence for this offense was:

[Check appropriate box]

☐ Commitment to state prison or other state institution at _____

Name of institution or city where located

☐ Probation with suspended sentence to state prison or other state institution;

☐ Probation, after the sentencing proceedings were suspended.

Thereafter, on or about _____, I was;

Date released from custody

[Check appropriate box]

☐ Discharged from state prison or other state institution after completing my sentence;

☐ Released on parole, from which I was finally discharged
on _____

Discharge date

☐ Released from custody on probation after serving a jail sentence;

☐ As a condition of my probation, I was released from custody after serving time in jail, and successfully completed my probation on _____, and obtained relief under Penal Code
section 1203.4 on _____

Date probation ended

Date 1203.4 granted by the Court

Second Most Recent Felony Conviction

On or about _____, I was convicted of the crime of _____
Month Day, Year Indicate crime and Penal Code Section
in the county of _____, California. My sentence for this offense was:

[Check appropriate box]

- ☐ Commitment to state prison or other state institution at _____
Name of institution or city where located
- ☐ Probation with suspended sentence to state prison or other state institution;
- ☐ Probation, after the sentencing proceedings were suspended.

Thereafter, on or about _____, I was;
Date released from custody

[Check appropriate box]

- ☐ Discharged from state prison or other state institution after completing my sentence;
- ☐ Released on parole, from which I was finally discharged
on _____
Discharge date
- ☐ Released from custody on probation after serving a jail sentence;
- ☐ As a condition of my probation, I was released from custody after serving time in jail, and successfully completed my probation on _____, and obtained relief under Penal Code
Date probation ended
section 1203.4 on _____
Date 1203.4 granted by the Court

Third Most Recent Felony Conviction

On or about _____, I was convicted of the crime of _____
Month Day, Year Indicate crime and Penal Code Section
in the county of _____, California. My sentence for this offense was:

[Check appropriate box]

- ☐ Commitment to state prison or other state institution at _____
Name of institution or city where located
- ☐ Probation with suspended sentence to state prison or other state institution;
- ☐ Probation, after the sentencing proceedings were suspended.

Thereafter, on or about _____, I was;
Date released from custody

[Check appropriate box]

- ☐ Discharged from state prison or other state institution after completing my sentence;
- ☐ Released on parole, from which I was finally discharged
on _____
Discharge date
- ☐ Released from custody on probation after serving a jail sentence;
- ☐ As a condition of my probation, I was released from custody after serving time in jail, and successfully completed my probation on _____, and obtained relief under Penal Code
Date probation ended
section 1203.4 on _____
Date 1203.4 granted by the Court

RESIDENCY HISTORY

I am now a resident of the State of California, and I have continuously resided in the State of California from _____, to the present date.
Month Day, Year

APPLICANT'S DECLARATION

During the period of my rehabilitation, I have lived an honest and upright life, conducted myself with sobriety and industry, and exhibited good moral character. I have conformed to and obeyed all the laws of the land.

WHEREFORE, Your petitioner prays that the Court make its order and decree declaring that the petitioner has been rehabilitated; and for a Certificate of Rehabilitation recommending that the Governor of the State of California grant petitioner a full pardon; and that for such purpose, a time be appointed for the hearing of the foregoing petition; and that other and necessary proper orders may be made in the premises.

Applicant's Signature

Month Day, Year

Applicant's Street Address

Applicant's City, State ZIP Code

**IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA
IN AND FOR THE COUNTY OF _____**

Applicant's County of Residence

In the Matter of the Application of

Type Applicant's Full Name - First Middle Last and Suffix, if applicable

Date of Birth _____

Month Day, Year

CII Number _____

Criminal Case Number(s) _____

List applicable Criminal Case Number(s)

Court use only

NOTICE OF FILING OF PETITION FOR CERTIFICATE OF REHABILITATION AND PARDON

Pursuant to Penal Code Sections 4852.01 and 4852.06

To the Governor of the State of California:

District Attorney, County of _____

County of Residence

District Attorney, County of _____

Most recent felony in county of conviction, if different from *County of Residence*

District Attorney, County of _____

2nd most recent felony in county of conviction, if applicable

District Attorney, County of _____

3rd most recent felony in county of conviction, if applicable

You and Each of You Will Please Take Notice That On the _____

day
of _____

Date you filed your *Petition for Certificate of Rehabilitation and Pardon*

the undersigned has filed a petition in the above-mentioned court(s) for a Certificate of Rehabilitation and

Pardon in accordance with the provision of Chapter 3.5, Title 6, Part 3 of the Penal Code of the State of

California, and that said petition has, by said court, been set for a hearing on _____

day of

Day of hearing

to commence at _____

☐ a.m. ☐ p.m., of said day, or as
soon

Month, Year

Time of hearing

as the matter can be heard, in its courtroom, department _____

Department

at the courthouse

in the city
of _____

City where hearing will be held

, county
of _____

County where hearing will be held

state of California.

Applicant's Signature

Month Day, Year

Applicant's Street Address

Applicant's City, State ZIP Code

AFFIDAVIT OF SERVICE BY MAIL

STATE OF CALIFORNIA

City of _____, County of _____

I, _____ being first duly sworn, deposes, and says:
Full Name - First Middle Last and Suffix, if applicable

I am a citizen of the United States, am over the age of 18 years, and am not a party to the above-entitled

proceeding. I am a resident of the County _____, State of
of _____ California.
County of Residence

My ☐ residence ☐ business address is _____
Street Address

City, State ZIP Code

On the _____ day of _____, I served the attached Notice to each person listed below
Day of the Month Month, Year

_____ <small>Full Name - First Middle Last and Suffix, if applicable</small>	_____ <small>Street Address</small>	_____ <small>County</small>
_____ <small>Full Name - First Middle Last and Suffix, if applicable</small>	_____ <small>Street Address</small>	_____ <small>County</small>
_____ <small>Full Name - First Middle Last and Suffix, if applicable</small>	_____ <small>Street Address</small>	_____ <small>County</small>
_____ <small>Full Name - First Middle Last and Suffix, if applicable</small>	_____ <small>Street Address</small>	_____ <small>County</small>

by placing a copy of this Notice in a sealed envelope and mailing it first class, postage pre-paid to each person as listed above. There is a delivery service by United States mail at each of the places so addressed, or there is a regular communication by mail between the place of mailing and each of the places so addressed.

Subscribed and sworn to before me this _____ day of _____
Day of the Month Month, Year

_____ <small>Full Name of Notary Public - TYPED or PRINTED</small>	_____ <small>Notary Public - SIGNATURE</small>
---	---

In and for the City of _____, County of _____, California.

NOTICE OF SERVICE IN PERSON

Receipt of copy of this Notice is hereby admitted this _____ day of _____ .
Day of the month Month, Year

**Governor's Office
State Capitol
Legal Affairs Division**

_____ Full Name of Governor's staff - TYPED or PRINTED	_____ Governor's staff - SIGNATURE
_____ Governor's staff - TITLE	_____ Month Day, Year

Receipt of copy of this Notice is hereby admitted this _____ day of _____ .
Day of the month Month, Year

_____ Full Name of District Attorney staff - TYPED or PRINTED	_____ District Attorney staff - SIGNATURE
_____ County District Attorney	_____ Month Day, Year

Receipt of copy of this Notice is hereby admitted this _____ day of _____ .
Day of the month Month, Year

_____ Full Name of District Attorney staff - TYPED or PRINTED	_____ District Attorney staff - SIGNATURE
_____ County District Attorney	_____ Month Day, Year

Receipt of copy of this Notice is hereby admitted this _____ day of _____ .
Day of the month Month, Year

_____ Full Name of District Attorney staff - TYPED or PRINTED	_____ District Attorney staff - SIGNATURE
_____ County District Attorney	_____ Month Day, Year

Receipt of copy of this Notice is hereby admitted this _____ day of _____ .
Day of the month Month, Year

_____ Full Name of District Attorney staff - TYPED or PRINTED	_____ District Attorney staff - SIGNATURE
_____ County District Attorney	_____ Month Day, Year

**PETITION TO SEAL AND DESTROY ARREST RECORDS
PURSUANT TO PENAL CODE SECTION 851.8**

PETITIONER: Please type or print the following information.

Information relating to the arrest:

Last Name		First		Middle
Last Name on Arrest Record		First		Middle
Street Address/City/State/Zip Code				
Telephone ()		Driver's License No.		Date of Birth / /
Date of Arrest	Arresting Agency	Agency No.	Charge(s)	Disposition

PETITIONER'S SIGNATURE

DATE

TO BE COMPLETED BY LAW ENFORCEMENT AGENCY OR COURT HAVING JURISDICTION OVER THE OFFENSE

I have verified the above information to be accurate.

SIGNATURE OF LAW ENFORCEMENT REPRESENTATIVE or
COURT OFFICER

DATE

Agency or Court Name _____ Agency or Case No. _____

Petitioner's CII No. _____ FBI No. _____

Law Enforcement Agency having jurisdiction under Penal Code § 851.8(a).

* ☐ Petition Granted
☐ Petition Denied

SIGNATURE OF LAW ENFORCEMENT REPRESENTATIVE

DATE

TYPED NAME AND TITLE

Court having jurisdiction under Penal Code §§ 851.8(b), (c), or (d).

* ☐ Petition Granted
☐ Petition Denied

SIGNATURE OF JUDICIAL OFFICER

DATE

TYPED NAME

Waiver: Time restriction on filing is being waived under Penal Code § 851.8(l).

SIGNATURE OF AGENCY OR JUDICIAL OFFICER

DATE

TYPED NAME AND TITLE

* Having jurisdiction in the matter, the law enforcement agency or court has determined that the above-named petitioner is factually innocent of the arrest indicated and is hereby exonerated. Hereafter, the arrest shall be deemed not to have occurred, and the petitioner may answer any questions relating to this arrest accordingly.

♦ See reverse side for additional information pertaining to Penal Code Section 851.8 ♦

Copies: Dept. of Justice; District Attorney; Petitioner

**PETITION TO SEAL AND DESTROY ARREST RECORDS
PURSUANT TO PENAL CODE SECTION 851.8**

PETITIONER:

Penal Code Section 851.8 provides that a person who has been arrested or detained and is determined to be factually innocent may petition the law enforcement agency or court having jurisdiction over the matter to provide for the sealing and destruction of the record of that arrest. Petitions concerning arrests may be filed for up to two years following the arrest filing date.

PENAL CODE SECTION 851.8(a) PROVIDES IN PART:

"In any case where a person has been arrested and no accusatory pleading has been filed, the person arrested may petition the law enforcement agency having jurisdiction over the offense to destroy its records of the arrest. A copy of such petition shall be served upon the prosecuting attorney of the county or city having jurisdiction over the offense."

PENAL CODE SECTION 851.8(b) PROVIDES IN PART:

"If, after receipt by both the law enforcement agency and the prosecuting attorney of a petition for relief under subdivision (a), the law enforcement agency and prosecuting attorney do not respond to the petition by accepting or denying such petition within 60 days after the running of the relevant statute of limitations or within 60 days after receipt of the petition in cases where the statute of limitations has previously lapsed, then the petition shall be deemed to be denied. In any case where the petition of an arrestee to the law enforcement agency to have an arrest record destroyed is denied, petition may be made to the superior court that would have territorial jurisdiction over the matter*. A copy of the petition shall be served on the prosecuting attorney of the county or city having jurisdiction over the offense at least 10 days prior to the hearing thereon."

PENAL CODE SECTION 851.8(c) PROVIDES IN PART:

"In any case where a person has been arrested, and an accusatory pleading has been filed, but where no conviction has occurred, the defendant may, at any time after dismissal of the action, petition the court which dismissed the action for a finding that the defendant is factually innocent of the charges for which the arrest was made. A copy of such petition shall be served on the prosecuting attorney of the county or city in which the accusatory pleading was filed at least 10 days prior to the hearing on the petitioner's factual innocence."

It is the responsibility of the petitioner to submit any declarations, affidavits, police reports or other evidence which may exist to support the petition to appropriate arresting agency or court and to serve a copy of the petition and supporting papers on the prosecuting attorney.

** In this case the petitioner shall be responsible for obtaining the original petition from the law enforcement agency and submitting it to the Court.*

A voluntary form for filing a report with law enforcement, and disputes with credit reporting agencies and creditors about identity theft-related problems. Visit identitytheft.gov to use a secure online version that you can print for your records.

1. Place a fraud alert on your credit reports, and review the reports for signs of fraud.
2. Close the accounts that you know, or believe, have been tampered with or opened fraudulently.

Now

- Leave (3) blank until you provide this form to someone with a legitimate business need, like when you are filing your report at the police station or sending the form to a credit reporting agency to correct your credit report.

Skip (8) - (10)
if your
information
has not
changed since
the fraud.

The Paperwork Reduction Act requires the FTC to display a valid control number (in this case, OMB control #3084-0047) before we can collect – or sponsor the collection of – your information, or require you to provide it.

About You (the victim) (Continued)

Declarations

- (11) I ☐ did OR ☐ did not authorize anyone to use my name or personal information to obtain money, credit, loans, goods, or services — or for any other purpose — as described in this report.
- (12) I ☐ did OR ☐ did not receive any money, goods, services, or other benefit as a result of the events described in this report.
- (13) I ☐ am OR ☐ am not willing to work with law enforcement if charges are brought against the person(s) who committed the fraud.

About the Fraud

- (14) I believe the following person used my information or identification documents to open new accounts, use my existing accounts, or commit other fraud.

Name: _____
 First Middle Last Suffix

Address: _____
 Number & Street Name Apartment, Suite, etc.

 City State Zip Code Country

Phone Numbers: (____)_____ (____)_____

Additional information about this person: _____

(14):
 Enter what you know about anyone you believe was involved (even if you don't have complete information).

- (15) Additional information about the crime (for example, how the identity thief gained access to your information or which documents or information were used):

(14) and (15):
Attach
additional
sheets as
needed.

Documentation

- (16) I can verify my identity with these documents:

- ☐ A valid government-issued photo identification card (for example, my driver's license, state-issued ID card, or my passport).

If you are under 16 and don't have a photo-ID, a copy of your birth certificate or a copy of your official school record showing your enrollment and legal address is acceptable.

- ☐ Proof of residency during the time the disputed charges occurred, the loan was made, or the other event took place (for example, a copy of a rental/lease agreement in my name, a utility bill, or an insurance bill).

(16): Reminder:
Attach copies
of your identity
documents
when sending
this form to
creditors
and credit
reporting
agencies.

About the Information or Accounts

- (17) The following personal information (like my name, address, Social Security number, or date of birth) in my credit report is inaccurate as a result of this identity theft:

(A) _____

(B) _____

(C) _____

- (18) Credit inquiries from these companies appear on my credit report as a result of this identity theft:

Company Name: _____

Company Name: _____

Company Name: _____

(19) Below are details about the different frauds committed using my personal information.

Name of Institution	Contact Person	Phone	Extension
Account Number	Routing Number	Affected Check Number(s)	
Account Type: <input type="checkbox"/> Credit <input type="checkbox"/> Bank <input type="checkbox"/> Phone/Utilities <input type="checkbox"/> Loan <input type="checkbox"/> Government Benefits <input type="checkbox"/> Internet or Email <input type="checkbox"/> Other			
Select ONE: <input type="checkbox"/> This account was opened fraudulently. <input type="checkbox"/> This was an existing account that someone tampered with.			
Date Opened or Misused (mm/yyyy)	Date Discovered (mm/yyyy)	Total Amount Obtained (\$)	

Name of Institution	Contact Person	Phone	Extension
Account Number	Routing Number	Affected Check Number(s)	
Account Type: <input type="checkbox"/> Credit <input type="checkbox"/> Bank <input type="checkbox"/> Phone/Utilities <input type="checkbox"/> Loan <input type="checkbox"/> Government Benefits <input type="checkbox"/> Internet or Email <input type="checkbox"/> Other			
Select ONE: <input type="checkbox"/> This account was opened fraudulently. <input type="checkbox"/> This was an existing account that someone tampered with.			
Date Opened or Misused (mm/yyyy)	Date Discovered (mm/yyyy)	Total Amount Obtained (\$)	

Name of Institution	Contact Person	Phone	Extension
Account Number	Routing Number	Affected Check Number(s)	
Account Type: <input type="checkbox"/> Credit <input type="checkbox"/> Bank <input type="checkbox"/> Phone/Utilities <input type="checkbox"/> Loan <input type="checkbox"/> Government Benefits <input type="checkbox"/> Internet or Email <input type="checkbox"/> Other			
Select ONE: <input type="checkbox"/> This account was opened fraudulently. <input type="checkbox"/> This was an existing account that someone tampered with.			
Date Opened or Misused (mm/yyyy)	Date Discovered (mm/yyyy)	Total Amount Obtained (\$)	

(19):

If there were more than three frauds, copy this page blank, and attach as many additional copies as necessary.

Enter any applicable information that you have, even if it is incomplete or an estimate.

If the thief committed two types of fraud at one company, list the company twice, giving the information about the two frauds separately.

Contact Person:
Someone you dealt with, whom an investigator can call about this fraud.

Account Number:
The number of the credit or debit card, bank account, loan, or other account that was misused.

Dates: Indicate when the thief began to misuse your information and when you discovered the problem.

Amount Obtained:
For instance, the total amount purchased with the card or withdrawn from the account.

Your Law Enforcement Report

- (20) One way to get a credit reporting agency to quickly block identity theft-related information from appearing on your credit report is to submit a detailed law enforcement report ("Identity Theft Report"). You can obtain an Identity Theft Report by taking this form to your local law enforcement office, along with your supporting documentation. Ask an officer to witness your signature and complete the rest of the information in this section. It's important to get your report number, whether or not you are able to file in person or get a copy of the official law enforcement report. Attach a copy of any confirmation letter or official law enforcement report you receive when sending this form to credit reporting agencies.

Select ONE:

- ☐ I have not filed a law enforcement report.
☐ I was unable to file any law enforcement report.
☐ I filed an automated report with the law enforcement agency listed below.
☐ I filed my report in person with the law enforcement officer and agency listed below.

Law Enforcement Department

State

Report Number

Filing Date (mm/dd/yyyy)

Officer's Name (please print)

Officer's Signature

Badge Number

(____)_____
Phone Number

Did the victim receive a copy of the report from the law enforcement officer? ☐ Yes OR ☐ No

Victim's FTC complaint number (if available): _____

(20):
Check "I have not..." if you have not yet filed a report with law enforcement or you have chosen not to. Check "I was unable..." if you tried to file a report but law enforcement refused to take it.

Automated report:
A law enforcement report filed through an automated system, for example, by telephone, mail, or the Internet, instead of a face-to-face interview with a law enforcement officer.

Signature

As applicable, sign and date *IN THE PRESENCE OF* a law enforcement officer, a notary, or a witness.

- (21) I certify that, to the best of my knowledge and belief, all of the information on and attached to this complaint is true, correct, and complete and made in good faith. I understand that this complaint or the information it contains may be made available to federal, state, and/or local law enforcement agencies for such action within their jurisdiction as they deem appropriate. I understand that knowingly making any false or fraudulent statement or representation to the government may violate federal, state, or local criminal statutes, and may result in a fine, imprisonment, or both.

Signature

Date Signed (mm/dd/yyyy)

Your Affidavit

- (22) If you do not choose to file a report with law enforcement, you may use this form as an Identity Theft Affidavit to prove to each of the companies where the thief misused your information that you are not responsible for the fraud. While many companies accept this affidavit, others require that you submit different forms. Check with each company to see if it accepts this form. You should also check to see if it requires notarization. If so, sign in the presence of a notary. If it does not, please have one witness (non-relative) sign that you completed and signed this Affidavit. If someone has used your Social Security number (SSN) to get a tax refund or a job, or you suspect your SSN has been stolen, alert the IRS using Form 14039 at www.irs.gov/pub/irs-pdf/f14039.pdf.

Notary

Witness:

Signature

Printed Name

Date

Telephone Number

INFORMATION SHEET ON WAIVER OF SUPERIOR COURT FEES AND COSTS

If you have been sued or if you wish to sue someone, if you are filing or have received a family law petition, or if you are asking the court to appoint a guardian for a minor or a conservator for an adult or are an appointed guardian or conservator, and if you (or your ward or conservatee) cannot afford to pay court fees and costs, you may not have to pay them in order to go to court. If you (or your ward or conservatee) are getting public benefits, are a low-income person, or do not have enough income to pay for your (or his or her) household's basic needs *and* your court fees, you may ask the court to waive all or part of those fees.

1. To make a request to the court to waive your fees in superior court, complete the *Request to Waive Court Fees* (form FW-001) or, if you are petitioning for the appointment of a guardian or conservator or are an appointed guardian or conservator, complete the *Request to Waive Court Fees (Ward or Conservatee)* (form FW-001-GC). If you qualify, the court will waive all or part of its fees for the following:

- Filing papers in superior court (other than for an appeal in a case with a value of over \$25,000)
- Making and certifying copies
- Sheriff's fee to give notice
- Court fee for telephone hearing
- Reporter's fee for attendance at hearing or trial, if a reporter is provided by the court.
- Assessment for court investigations under Probate Code section 1513, 1826, or 1851.
- Preparing, certifying, copying, and sending the clerk's transcript on appeal.
- Holding in trust the deposit for a reporter's transcript on appeal under rule 8.833 or 8.834.
- Making a transcript or copy of an official electronic recording under rule 8.835
- Giving notice and certificates
- Sending papers to another court department
- Having a court-appointed interpreter in small claims court

2. You may ask the court to waive other court fees during your case in superior court as well. To do that, complete a *Request to Waive Additional Court Fees (Superior Court)* (form FW-002) or *Request to Waive Additional Court Fees (Superior Court) (Ward or Conservatee)* (form FW-002-GC). The court will consider waiving fees for items such as the following, or other court services you need for your case:

- Jury fees and expenses
- Fees for court-appointed experts
- Other necessary court fees
- Fees for a peace officer to testify in court
- Court-appointed interpreter fees for a witness

3. If you want the Appellate Division of Superior Court or the Court of Appeal to review an order or judgment against you and you want the court fees waived, ask for and follow the instructions on *Information Sheet on Waiver of Appellate Court Fees, Supreme Court, Court of Appeal, Appellate Division* (form APP-015/FW-015-INFO).

IMPORTANT INFORMATION!

• **You are signing your request under penalty of perjury. Answer truthfully, accurately, and completely.**

• **The court may ask you for information and evidence.** You may be ordered to go to court to answer questions about your ability, or the ability of your ward or conservatee, to pay court fees and costs and to provide proof of eligibility. Any initial fee waiver you or your ward or conservatee are granted may be ended if you do not go to court when asked. You or your ward's or conservatee's estate may be ordered to repay amounts that were waived if the court finds you were not eligible for the fee waiver.

• **Public benefits programs listed on the application form.** In item 5 on the *Request to Waive Court Fees* (item 8 of the *Request to Waive Court Fees (Ward or Conservatee)*), there is a list of programs from which you (or your ward or conservatee) may be receiving benefits, listed by the abbreviations they are commonly known by. The full names of those programs can be found in Government Code section 68632(a), and are also listed here:

- Medi-Cal
- Food Stamps—California Food Assistance Program, CalFresh Program, or SNAP
- Supp. Sec. Inc.—Supplemental Security Income (not Social Security)
- SSP—State Supplemental Payment
- County Relief/General Assistance—County Relief, General Relief (GR) or General Assistance (GA)
- IHSS—In-Home Supportive Services
- CalWORKS—California Work Opportunity and Responsibility to Kids Act
- Tribal TANF—Tribal Temporary Assistance for Needy Families
- CAPI—Cash Assistance Program for Aged, Blind, or Disabled Legal Immigrants

- **If you receive a fee waiver, you must tell the court if there is a change in your finances, or the finances of your ward or conservatee.** You must tell the court within five days if those finances improve or if you, or your ward or conservatee, become able to pay court fees or costs during this case. (File *Notice to Court of Improved Financial Situation or Settlement* (form FW-010) or *Notice to Court of Improved Financial Situation or Settlement (Ward or Conservatee)* (form FW-010-GC) with the court.) You may be ordered to repay any amounts that were waived after your eligibility, or the eligibility of your ward or conservatee, came to an end.
- **If you receive a judgment or support order in a family law matter:** You may be ordered to pay all or part of your waived fees and costs if the court finds your circumstances have changed so that you can afford to pay. You will have the opportunity to ask the court for a hearing if the court makes such a decision.
- **If you win your case in the trial court:** In most circumstances the other side will be ordered to pay your waived fees and costs to the court. The court will not enter a satisfaction of judgment until the court is paid. (This does not apply in unlawful detainer cases. Special rules apply in family law cases and in guardianships and conservatorships. (Government Code, section 68637(d), (e), and Cal. Rules of Court, rule 7.5.)
- **If you settle your civil case for \$10,000 or more:** Any trial court waived fees and costs must first be paid to the court out of the settlement. **The court will have a lien on the settlement in the amount of the waived fees and costs.** The court may refuse to dismiss the case until the lien is satisfied. A request to dismiss the case (use form CIV-110) must have a declaration under penalty of perjury that the waived fees and costs have been paid. Special rules apply to family law cases.
- **The court can collect fees and costs due to the court.** If waived fees and costs are ordered paid to the trial court, or if you fail to make the payments over time, the court can start collection proceedings and add a \$25 fee plus any additional costs of collection to the other fees and costs owed to the court.
- **The fee waiver ends.** The fee waiver expires 60 days after the judgment, dismissal, or other final disposition of the case or earlier if a court finds that you or your ward or conservatee are not eligible for a fee waiver. If the case is a guardianship or conservatorship proceeding, see California Rules of Court, rule 7.5(k) for information on the final disposition of that matter.
- **If you are in jail or state prison:** Prisoners may be required to pay the full cost of the filing fee in the trial court but may be allowed to do so over time. See Government Code section 68635.

Clerk stamps date here when form is filed.

SAMPLE ONLY**Do not fill out
this form****Write in the court
address here**

Fill in case number and name:

Case

Write your Case Number here

Case Name:

Write your Case Name here

number, and State Bar number):

If you are getting public benefits, are a low-income person, or do not have enough income to pay for household's basic needs, use this form to ask the court to waive all or part of the fees. The court may order you to answer questions about your finances. If the court waives the fees, you may still have to pay later if:

- You cannot give the court proof of your eligibility,
- Your financial situation improves during this case, or
- You settle your civil case for \$10,000 or more. The trial court that waives your fees will have a lien on any such settlement in the amount of the waived fees and costs. The court may also charge you any collection costs.

1 Your Information (person asking the court to waive the fees):

Name: _____

Street or mailing address: _____

City: _____ State: _____ Zip: _____

Phone number: _____

2 Your Job, if you have one (job title): _____

Name of employer: _____

Employer's address: _____

3 Your Lawyer

**Complete items #1, #2 & #4.
Fill out #3 if you have a lawyer.**

a. The lawyer has agreed to advance all or a portion of your fees or costs (check one): Yes ☐ No ☐

b. (If yes, your lawyer must sign here) Lawyer's signature: _____

If your lawyer is not providing legal-aid type services based on your low income, you may have to go to a hearing to explain why you are asking the court to waive the fees.

4 What court's fees or costs are you asking to be waived?

- ☐ Superior Court (See Instructions)
☐ Supreme Court, Court of Appeals, or Court of Appellate Court Fees

5 Why are you asking the court to waive the fees?

- a. ☐ I receive (check all that apply) _____
 Assistance ☐ IHSS (Cal. In-Home Supportive Services) ☐ Medi-Cal ☐ Supplemental Security Income (SSI) ☐ Social Security (SS) ☐ Unemployment Insurance (UI) ☐ Veterans Affairs (VA) ☐ Other _____
 b. ☐ My gross monthly household income is less than the amount shown in the table below. If you check #5b, you must fill out 7, 8, and 9 on page 2 of this form.)

For question 5, check 'a', 'b', OR 'c':**If you check # 5a, just make sure you check any box that applies to you in 5a.****If you check # 5b, fill out # 7, 8 and 9 on the back. Then, you are done!****If you check #5c, fill out everything on back side of the form.**

Family Size	Family Income	Family Size	Family Income	Family Size	Family Income	If more than 6 people at home, add \$422.92 for each extra person.
1	\$1,215.63	3	\$2,061.46	5	\$2,907.30	
2	\$1,638.55	4	\$2,484.38	6	\$3,330.21	

- c. ☐ I do not have enough income to pay for my household's basic needs and the court fees. I ask the court to (check one): ☐ waive all court fees ☐ waive some of the court fees ☐ let me make payments over time (Explain): _____

6 ☐ Check here if you ask for a fee waiver in this case in the last 6 months. Attach that request if you have it and check the second box.

Check #6 if you asked for a fee waiver in this case in the last 6 months. Attach that request if you have it and check the second box.

I declare under penalty of perjury under the laws of the State of California that the information I have provided on this form and all attachments is true and correct.

Date: **Write Today's Date here****Print Your Name here****Sign Here**

Print your name here

Sign here

Print Your Name here

Case Number:

Write your Case Number here

Your name: _____

If you checked 5a on page 1, do not fill out below. If you checked 5b, fill out questions 7, 8, and 9 only. If you checked 5c, you **must** fill out this entire page. If you need more space, attach form MC-025 or attach a sheet of paper and write Financial Information and your name and case number at the top.

- 7 ☐ Check here if your income changes a lot from month to month. Fill out below based on your average income for the past 12 months.

8 Your Monthly Income

- a. Gross monthly income (before deductions): \$ _____
List each payroll deduction and amount below:

(1) \$ _____
(2) \$ _____
(3) \$ _____
(4) \$ _____

b. Total deduction \$ _____

c. Total monthly income \$ _____

d. List the source of income for each month, including wages, salary, pension, security, disability, annuity, interest, dividends, capital gains, etc.

(1) \$ _____
(2) \$ _____
(3) \$ _____
(4) \$ _____

e. Your total monthly income is (8c plus 8d): \$ _____

9 Household Income

- a. List all other persons living in your home and their income; include only your spouse and all individuals who depend in whole or in part on you for support, or on whom you depend in whole or in part for support.

Name	Age	Relationship	Gross Monthly Income
(1) _____	_____	_____	\$ _____
(2) _____	_____	_____	\$ _____
(3) _____	_____	_____	\$ _____
(4) _____	_____	_____	\$ _____

b. Total monthly income of persons above: \$ _____

Total monthly income and household income (8e plus 9b): \$ _____

To list any other facts you want the court to know, such as unusual medical expenses, family emergencies, etc., attach form MC-025. Or attach a sheet of paper, and write Financial Information and your name and case number at the top. Check here if you attach another page. ☐

Important! If your financial situation or ability to pay court fees improves, you must notify the court within five days on form FW-010.

10 Your Money and Property

- a. Cash \$ _____
b. All financial accounts (List bank name and amount):
(1) \$ _____
(2) \$ _____
(3) \$ _____
(4) \$ _____

If you checked # 5b, fill out # 7,8 and 9. You do not have to fill out #10 and #11.

If you checked #5c, fill out everything on this side of the form.

When you answer the items in this page, make sure you fill out everything and that the information is true and complete.

- c. Other personal property (jewelry, furniture, cars, stocks, bonds, etc.):

Describe	Fair Market Value	How Much You Still Owe
(1) _____	\$ _____	\$ _____
(2) _____	\$ _____	\$ _____
(3) _____	\$ _____	\$ _____

11 Your Monthly Expenses

(Do not include payroll deductions you already listed in 8b.)

- a. Rent or house payment & maintenance \$ _____
b. Food and household supplies \$ _____
c. Utilities and telephone \$ _____
d. Clothing \$ _____
e. Laundry and cleaning \$ _____
f. Medical and dental expenses \$ _____
g. Insurance (life, health, accident, etc.) \$ _____
h. School, child care \$ _____
i. Child, spousal support (another marriage) \$ _____
j. _____ \$ _____
k. _____ \$ _____

READ this notice carefully!

If you want to add any more information, attach form MC-025 or a piece of paper, with your name, case number and write "Financial Information" at the top. Don't forget to check the box in here telling the court you have attached another page.

(2) \$ _____
(3) \$ _____

Total monthly expenses (add 11a - 11m above): \$ _____

Clerk stamps date here when form is filed.

If you are getting public benefits, are a low-income person, or do not have enough income to pay for your household's basic needs and your court fees, you may use this form to ask the court to waive your court fees. The court may order you to answer questions about your finances. If the court waives the fees, you may still have to pay later if:

- You cannot give the court proof of your eligibility,
- Your financial situation improves during this case, or
- You settle your civil case for **\$10,000** or more. The trial court that waives your fees will have a lien on any such settlement in the amount of the waived fees and costs. The court may also charge you any collection costs.

Fill in court name and street address:

Superior Court of California, County of

1 Your Information (person asking the court to waive the fees):

Name: _____

Street or mailing address: _____

City: _____ State: _____ Zip: _____

Phone number: _____

Fill in case number and name:

Case Number: _____

Case Name: _____

2 Your Job, if you have one (job title): _____

Name of employer: _____

Employer's address: _____

3 Your Lawyer, if you have one (name, firm or affiliation, address, phone number, and State Bar number): _____

a. The lawyer has agreed to advance all or a portion of your fees or costs (check one): Yes ☐ No ☐

b. (If yes, your lawyer must sign here) Lawyer's signature: _____

If your lawyer is not providing legal-aid type services based on your low income, you may have to go to a hearing to explain why you are asking the court to waive the fees.

4 What court's fees or costs are you asking to be waived?

- ☐ Superior Court (See Information Sheet on Waiver of Superior Court Fees and Costs (form FW-001-INFO).)
- ☐ Supreme Court, Court of Appeal, or Appellate Division of Superior Court (See Information Sheet on Waiver of Appellate Court Fees (form APP-015/FW-015-INFO).)

5 Why are you asking the court to waive your court fees?

- a. ☐ I receive (check all that apply; see form FW-001-INFO for definitions): ☐ Food Stamps ☐ Supp. Sec. Inc. ☐ SSP ☐ Medi-Cal ☐ County Relief/Gen. Assist. ☐ IHSS ☐ CalWORKS or Tribal TANF ☐ CAPI
- b. ☐ My gross monthly household income (before deductions for taxes) is less than the amount listed below. (If you check 5b, you must fill out 7, 8, and 9 on page 2 of this form.)

Family Size	Family Income	Family Size	Family Income	Family Size	Family Income	If more than 6 people at home, add \$433.34 for each extra person.
1	\$1,226.05	3	\$2,092.71	5	\$2,959.38	
2	\$1,659.38	4	\$2,526.05	6	\$3,392.71	

- c. ☐ I do not have enough income to pay for my household's basic needs and the court fees. I ask the court to: (check one and you **must** fill out page 2):
- ☐ waive all court fees and costs ☐ waive some of the court fees
- ☐ let me make payments over time

- 6** ☐ Check here if you asked the court to waive your court fees for this case in the last six months. (If your previous request is reasonably available, please attach it to this form and check here:) ☐

I declare under penalty of perjury under the laws of the State of California that the information I have provided on this form and all attachments is true and correct.

Date: _____

Print your name here _____

Sign here _____



Your name: _____

If you checked 5a on page 1, do not fill out below. If you checked 5b, fill out questions 7, 8, and 9 only. If you checked 5c, you **must** fill out this entire page. If you need more space, attach form MC-025 or attach a sheet of paper and write Financial Information and your name and case number at the top.

- 7 ☐ Check here if your income changes a lot from month to month. If it does, complete the form based on your average income for the past 12 months.

8 Your Gross Monthly Income

- a. List the source and amount of **any** income you get each month, including: wages or other income from work before deductions, spousal/child support, retirement, social security, disability, unemployment, military basic allowance for quarters (BAQ), veterans payments, dividends, interest, trust income, annuities, net business or rental income, reimbursement for job-related expenses, gambling or lottery winnings, etc.

(1)	_____	\$	_____
(2)	_____	\$	_____
(3)	_____	\$	_____
(4)	_____	\$	_____

b. Your total monthly income: \$ _____

9 Household Income

- a. List the income of all other persons living in your home who depend in whole or in part on you for support, or on whom you depend in whole or in part for support.

	Name	Age	Relationship	Gross Monthly Income
(1)	_____	_____	_____	\$ _____
(2)	_____	_____	_____	\$ _____
(3)	_____	_____	_____	\$ _____
(4)	_____	_____	_____	\$ _____

b. Total monthly income of persons above: \$ _____

Total monthly income and household income (8b plus 9b): \$ _____

To list any other facts you want the court to know, such as unusual medical expenses, etc., attach form MC-025 or attach a sheet of paper and write Financial Information and your name and case number at the top.

Check here if you attach another page. ☐

Important! If your financial situation or ability to pay court fees improves, you must notify the court within five days on form FW-010.

10 Your Money and Property

- a. Cash \$ _____
- b. All financial accounts (List bank name and amount):
- | | | | |
|-----|-------|----|-------|
| (1) | _____ | \$ | _____ |
| (2) | _____ | \$ | _____ |
| (3) | _____ | \$ | _____ |
- c. Cars, boats, and other vehicles
- | | Make / Year | Fair Market Value | How Much You Still Owe |
|-----|-------------|-------------------|------------------------|
| (1) | _____ | \$ _____ | \$ _____ |
| (2) | _____ | \$ _____ | \$ _____ |
| (3) | _____ | \$ _____ | \$ _____ |
- d. Real estate
- | | Address | Fair Market Value | How Much You Still Owe |
|-----|---------|-------------------|------------------------|
| (1) | _____ | \$ _____ | \$ _____ |
| (2) | _____ | \$ _____ | \$ _____ |
- e. Other personal property (jewelry, furniture, furs, stocks, bonds, etc.):
- | | Describe | Fair Market Value | How Much You Still Owe |
|-----|----------|-------------------|------------------------|
| (1) | _____ | \$ _____ | \$ _____ |
| (2) | _____ | \$ _____ | \$ _____ |

11 Your Monthly Deductions and Expenses

- a. List any payroll deductions and the monthly amount below:

(1)	_____	\$	_____
(2)	_____	\$	_____
(3)	_____	\$	_____
(4)	_____	\$	_____

- b. Rent or house payment & maintenance \$ _____
- c. Food and household supplies \$ _____
- d. Utilities and telephone \$ _____
- e. Clothing \$ _____
- f. Laundry and cleaning \$ _____
- g. Medical and dental expenses \$ _____
- h. Insurance (life, health, accident, etc.) \$ _____
- i. School, child care \$ _____
- j. Child, spousal support (another marriage) \$ _____
- k. Transportation, gas, auto repair and insurance \$ _____

- l. Installment payments (list each below):

Paid to:	
(1)	_____ \$ _____
(2)	_____ \$ _____
(3)	_____ \$ _____

- m. Wages/earnings withheld by court order \$ _____

- n. Any other monthly expenses (list each below).

Paid to:		How Much?
(1)	_____	\$ _____
(2)	_____	\$ _____
(3)	_____	\$ _____

Total monthly expenses (add 11a – 11n above): \$ _____

Appendix F

RAP Sheets

There are two main types of documents a clinic attendee may bring to provide information about their convictions: a RAP sheet from the California Department of Justice (also referred to as a Live Scan or CII), or county RAP sheet/Court Dockets.

1) RAP sheet from the California Department of Justice (DOJ) (Individual Live Scan or CII): The California DOJ RAP sheet is a record of every time a person has been fingerprinted, and the result of the fingerprinting (e.g., whether a case was filed in court, or whether the person was simply detained and released). The RAP sheet will not only contain records of times the person was convicted, it will also contain records of arrests that did not lead to convictions, as well as other fingerprint events such as job applications.

To obtain their DOJ RAP sheet, your attendees must visit a Live Scan operator* who will fingerprint them and submits their requests to the California DOJ. See below for a form titled “Instructions on How to Get Your Department of Justice (DOJ) RAP Sheet and Fingerprint Live Scan”, which can be distributed to individuals interested in Live Scan.

If your organization has the resources, you may want to consider having a Live Scan event to help potential attendees obtain their RAP sheets. (See “Sponsoring a Live Scan Event”, below).

> **PROS:**

- o The DOJ Rap sheet is the best method for obtaining the individual’s comprehensive criminal record, and will ensure a complete Prop. 47 consultation at the clinic.
- o The DOJ RAP sheet is useful when a person’s record is more complicated. For example, if a person’s record is older, more extensive, spans multiple counties, or involved aliases. It is also useful when attendees forget, or mix up, the counties where their convictions occurred.

> **CONS:**

- o DOJ RAP sheets often do not provide detailed procedural information about a case that is important for some clean slate relief. For example, a RAP sheet usually will not indicate whether probation was violated or fines were paid.
- o The waiting period to receive the RAP sheet from the DOJ can take two to three weeks. This means the individual must visit a Live Scan location one month before the Record Change Clinic to ensure they receive their RAP sheet in time for their Prop. 47 consultation.

* A list of Live Scan locations in California, by county, is available at the State of California Department of Justice, Office of the Attorney General at:
<https://oag.ca.gov/fingerprints/locations>.

- The costs for Live Scan include a \$25 fee charged by the DOJ plus the “Rolling Fee” charged by the Live Scan provider (usually \$15–\$25). If the individual is currently receiving public assistance (including food stamps, SSI, unemployment, etc.), she or he can request a waiver of the \$25 DOJ fee, but that process requires an application to be mailed or faxed to DOJ and a two-week waiting period for the response to the fee waiver request, plus the waiting period to receive the RAP sheet. (See below for a copy of the Request for DOJ Fee Waiver).

2) County Court Records/Dockets: Individuals can also obtain court records from the counties they were convicted. The most common type of county court record available is the Docket, which provides detailed procedural information about a case. Note that unlike a RAP sheet, which combines information about all of a person’s cases in one document, a Docket only covers one case. If an attendee has multiple cases, he or she will need an individual Docket for each case.

Court records can usually be obtained from any criminal courthouse in the county where the conviction occurred, although getting records for older cases may require going to an archive location. If the person was convicted in multiple counties, she or he will have to obtain information from each county separately. Contact information for each county courthouse in California is available at Californians for Safety and Justice at <http://www.safeandjust.org/county-map/>.

➤ **PROS:**

- County court records will provide the most detailed information available about a case, both procedurally and factually. Such detailed information is often needed for clean slate remedies such as expungement.
- These are generally **free** or at very low cost (10–50 cents per page).
- A family member or friend can make the request at the courthouse if he or she have the individual’s name and birthdate. (Note that if a family member or friend makes the request, he or she are more likely to be charged the per-page fee.)
- Can usually obtain in one day.

➤ **CONS:**

- Does not contain all of a person’s convictions.
- Requires visits to multiple courthouses if the individual has convictions in different counties.
- The individual or court may miss or forget a conviction, resulting in an incomplete Prop. 47 consultation at the Record Change Clinic.

Note: There are two other types of RAP sheets, but these are not recommended for Prop. 47 or clean slate clinics.

- **County RAP Sheets:** Some counties may have what is referred to as a “local RAP sheet” or “county RAP sheet”. This is usually a record of a person’s arrests and the arrest outcomes within that county, and is generally provided by the county sheriff’s office or other law enforcement agency. These county RAP sheets vary widely in their completeness and the information provided. For example, county RAP sheets will often not have sentencing information, and may not contain arrests from all law enforcement agencies in the county. Unless you are familiar with the local RAP sheet in your county and know that it provides reliable and sufficient information, using local county RAP sheets is not recommended.
- **Federal FBI RAP Sheets:** Some clients may have obtained FBI RAP sheets. Generally, FBI RAP sheets do not provide the information necessary for Prop. 47, expungement or any other clean slate relief. Note that FBI RAP sheets usually do not have case numbers.

Sponsoring a Live Scan Event

When organizing your Record Change Clinic, there are three ways for you to ensure that attendees come to the event with the needed documents: (1) advertise and direct attendees to obtain these documents on their own, (2) each attendee pays for his or her Live Scan or (3) organize a RAP sheet event prior to the Record Change Clinic.

Providing attendees with instructions on obtaining the proper documentation (option (1) above) is often not enough to ensure that attendees arrive at the Record Change Clinic with their RAP sheets. Many clients have difficulty paying the cost of Live Scan or making the trip to multiple courthouses to get their court records.

If your organization has the capacity, you may want to consider hosting a Live Scan event before your clinic, to assist attendees in getting their RAP sheets. At this event, a Live Scan operator comes to the clinic location and provides the service to attendees, who will then receive their DOJ RAP sheets in time for your Record Change Clinic.

Organizing a Live Scan event does require consideration of the costs of the fingerprinting and RAP sheets. You can do this in one of three ways:

1. Your organization pays for costs.
2. You find sponsorship or funding from another organization to cover the costs.
3. The attendee pays the costs. You may be able to reduce costs by receiving a blanket fee waiver from the DOJ for the event, which would just leave the Live Scan operator’s Rolling Fee. Some Live Scan operators may also agree to a reduced group rate for your event.

> PROS:

- Attendees are very likely to receive the proper records in time for the clinic, increasing the efficiency and success of your clinic.

- Hosting a RAP sheet event provides an opportunity for community- and movement-building.
- RAP sheets can be mailed directly to the sponsoring organization, so volunteer attorneys can begin prescreening in advance of the clinic and individuals scheduled for the clinic are sure to attend. (See below for a discussion of prescreening). In remote areas of the state, this may allow for distribution of RAP sheets to volunteer attorneys even if the attorney and attendee cannot physically meet.

➤ **CONS:**

- Requires the host organization to coordinate with a Live Scan vendor and secure a location to accommodate multiple fingerprinting stations.
- Requires the organization to solicit sponsorship to cover costs.
- Same costs as noted above for individual Live Scan. Live Scan providers will not waive their fees, although some may discount their fees.
- Participants are required to attend two events (the Live Scan event and the Record Change Clinic).
- Some attendees may not return to the follow-up clinic.

CONSIDERATION: Prescreen Your RAP Sheets

Another advantage of having a RAP sheet event is that, if attendees are comfortable doing so, you can instruct DOJ to deliver RAP sheets to the event sponsor, rather than mailing them directly to the attendees. Volunteer attorneys can then prescreen the RAP sheets prior to the event day. This process has several advantages:

- It shortens the amount of time for the attorney meeting at the clinic.
- It allows for more appointments.
- It allows the screener to notify people who may not be eligible for legal services before the event.
- Fewer experienced attorneys are needed for the event itself.

It is important to note, however, that prescreening does have drawbacks:

- It requires an additional commitment of time and effort from experienced clean slate attorneys on days prior to the clinic.
- It requires enough lag time between RAP sheet events and the event date to allow for RAP sheet review.
- In some instances the host organization responsible for RAP sheet collection may require follow-up with the DOJ.

INSTRUCTIONS ON HOW TO GET YOUR DEPARTMENT OF JUSTICE (DOJ) RAP SHEET AND FINGERPRINT LIVE SCAN

YOU WILL NEED A FINGERPRINT LIVE SCAN TO OBTAIN YOUR RAP SHEET
(COST IS APPROXIMATELY \$20 LIVE SCAN/FINGERPRINT FEE + \$25 DOJ FEE).
THE \$25 DOJ FEE CAN BE WAIVED IF YOU ARE ELIGIBLE FOR A FEE WAIVER.

INSTRUCTIONS IF YOU ARE ELIGIBLE FOR FEE WAIVER	INSTRUCTIONS IF YOU ARE NOT ELIGIBLE FOR A FEE WAIVER OR YOU CAN PAY BOTH FEES
<p>STEP 1: If your family receives food stamps, CalWORKs, Medi-Cal, or similar government benefits or is very low income (e.g., you are on disability, SSI, unemployment, etc.) you may be eligible to have the \$25 DOJ fee waived. You must still pay the Live Scan provider's fingerprint fee. Requesting the DOJ fee waiver will add approximately 2 weeks to the process of obtaining your RAP sheet.</p>	<p>STEP 1: Fill out the "Request for Live Scan Service" form and make 2 copies. The original is for the Department of Justice (DOJ) and the copies are for you and the Live Scan agency. The DOJ will charge \$25.00 for a copy of your RAP sheet. You must also pay the Live Scan provider's fingerprint fee (approximately \$20.00).</p>
<p>STEP 2: Fill out the DOJ Fee Waiver, provided below, <i>attach your proof of income or government assistance</i>, and prepare a brief letter addressed to: Bureau of Criminal Identification and Information Attention: Record Review Unit P.O. Box 903417 Sacramento, CA 94201-4170 FAX NO: (916) 227-1964</p> <p>State in your letter that you are requesting a copy of your RAP sheet because you want to expunge your convictions, that you are requesting a waiver of the \$25 DOJ fee, and state the public assistance you receive that makes you eligible (food stamps, Medi-Cal, SSI, disability, unemployment, etc.)</p> <p>➤ Fax this request to Fax No. (916) 227-1964.</p>	<p>STEP 2: Present your "Request for Live Scan Service" form and copies AND a valid California driver's license, ID or passport to a local Live Scan site.</p> <p>A list of Live Scan locations in California, by County, is available at the State of California Department of Justice, Office of the Attorney General at: https://oag.ca.gov/fingerprints/locations. You should call the site you plan to visit in advance to verify hours of operation, fees and acceptable forms of payment.</p>
<p>STEP 3: If your Fee Waiver is approved, the DOJ will send you a preprinted "Request for Live Scan Service" form about 2 weeks later. Fill out the remainder of the "Request for Live Scan Service" and make 2 copies. The original is for the DOJ; the copies are for you and the Live Scan agency.</p>	<p>STEP 3: The DOJ will process your "Request for Live Scan Service" form and fees, and will scan your fingerprints.</p>

STEP 4: Take the preprinted "**Request for Live Scan Service**" forms and copies AND a valid California driver's license, ID or passport to a local **Live Scan** site.

A list of Live Scan locations in California, by County, is available at the State of California Department of Justice, Office of the Attorney General at: <https://oag.ca.gov/fingerprints/locations>. You should call the site you plan to visit in advance to verify hours of operation, fees and acceptable forms of payment.

You should receive your **RAP sheet** in approximately 2 weeks, but it can take up to 4 weeks if there is additional follow-up needed or if there are administrative delays.

If you have not received your RAP sheet after 2 weeks, you can check the status of your fingerprint submission by calling the **DOJ's 24-hour Automated Telephone service at (916) 227-4557**. You will need the following information before placing the call:

- Your date of birth (i.e. 01/01/1975); and
- The 10-digit **Automated Transaction Identifier (ATI)** number that appears at the bottom of the DOJ form requesting your Live Scan fingerprint background checks. The ATI number always appears in the following sequence: 1 LETTER; 3 NUMBERS; 3 LETTERS and 3 NUMBERS. This number will allow the DOJ's automated telephone service to check on the status of your fingerprints.

STEP 5: The DOJ will process your "Request for Live Scan Service" form and fees, and will scan your fingerprints.

You should receive your RAP Sheet in approximately 2 weeks, but it can take up to 4 weeks if there is additional follow-up needed or if there are administrative delays.

If you have not received your RAP sheet after 2 weeks, you can check the status of your fingerprint submission by calling the **DOJ's 24-hour Automated Telephone service at (916) 227-4557**. You will need the following information before placing the call:

- Your date of birth (i.e. 01/01/1975); and
- The 10-digit **Automated Transaction Identifier (ATI)** number that appears at the bottom of the DOJ form requesting your Live Scan fingerprint background checks. The ATI number always appears in the following sequence: 1 LETTER; 3 NUMBERS; 3 LETTERS and 3 NUMBERS. This number will allow the DOJ's automated telephone service to check on the status of your fingerprints.

Fax

To: Record Review Unit,
California Dept. of Justice

From:

Fax: 916-227-1964

Pages: 4 (including cover)

Re: **Request for DOJ Fee Waiver**

Date:

Attention: Record Review Unit

Bureau of Criminal Identification and Information
Attention: Record Review Unit
P.O. Box 903417
Sacramento, CA 94201-4170

Dear Record Review Unit,

Enclosed with this letter, please find my proof of public benefits and a request for waiver of the DOJ fee for criminal history record.

Please send the Request for Live Scan form to the following address:

Name

Street Address

City

State

Zip Code

Sincerely,

Edmund G. Brown Jr.
Attorney General

State of California
DEPARTMENT OF JUSTICE



BUREAU OF CRIMINAL IDENTIFICATION AND INFORMATION
P.O.BOX 903417
SACRAMENTO, CA 94203-4170

APPLICATION AND DECLARATION FOR WAIVER OF FEE
FOR OBTAINING CRIMINAL HISTORY RECORD

I, the undersigned, declare that I am unable to pay the fee to obtain a copy of my criminal history record without impairing my obligation to meet the common necessities of life.

I declare under penalty of perjury that the foregoing is true and correct and was signed at _____, California
on _____ 20____.

Attached is verification of proof of indigence as required by Penal Code Section 11123.

DECLARANT SIGNATURE

DECLARANT PRINTED NAME

In order to have the \$25 processing fee waived, you must provide proof of indigence, such as:

Letter from SSI or Social Security, showing amount of your grant or

Letter from Unemployment or Disability, showing amount of your grant or

Copy of a Medi-Cal card or Food Stamp card or

Copy of AFDC or General Assistance letter showing your monthly grant

and a signed Declaration of Indigence

Appendix G

Proposition 47 Record Change Event — Master Checklist

Initial Planning of Your Event	Completed (or N/A)	Notes
Discussed goals of the event within host organization		
Contacted volunteer attorneys; requested attendance at event		
Obtained commitment from attorneys. Will have ____ number of attorneys.		
Contacted Public Defender's Office; requested attendance at event. Will have ____ number of public defenders.		
Contacted other elected or government agencies for support/attendance		
Reserved location and date for event		
Determined who we will serve and type of legal services we will provide		
Developed appointment/registration system		
Created Event Flyer		
Developed outreach plan <ul style="list-style-type: none"> - Posting flyers - Newspaper - Community paper - Church/community announcements - Facebook/Twitter - Phone outreach 		
Conducted outreach/registration for event		
Organized training for legal and nonlegal volunteers		
Determined layout of event (stations, etc.)		
Determined process for service/filing		
Held training for legal volunteers		
Made contacts for donations (water, food, equipment)		
Made contacts for speakers/entertainment		
Contacted all volunteers re: schedule/scope/expectations		
Contacted additional service providers re: schedule/setups		
Obtained all necessary Court Forms		
Tailored/printed all handouts		
Created list of volunteers and assignments		
Created list of attendees		

Proposition 47 Record Change Event -- Master Checklist

Setup Checklist (Day Before)	Completed (or N/A)	Notes
Registration Desk <ul style="list-style-type: none"> - Table and chairs - List of registered attendees - Disclaimer/Release - Sign-in sheet - Intake Form 		
Attorney Station <ul style="list-style-type: none"> - Table and chairs - Court forms - Laptop/printer - Reference guides - Power source 		
Refreshment Table <ul style="list-style-type: none"> - Table and chairs - Napkins, cups, plates 		
Service Providers <ul style="list-style-type: none"> - Table and chairs for each service provider - Power source, if needed 		
Copy/Mailing Station <ul style="list-style-type: none"> - Copy machine/printer - Envelopes (for client's copy) - Banker box/sorting bins 		
Printers connected/printing from laptops		
Walk-through of stations with volunteers (if possible)		

Proposition 47 Record Change Event -- Master Checklist

Equipment/Supplies Checklist	Completed or N/A	Notes
Laptop for each Attorney Station		
WiFi Setup		
Electrical/Network Cables		
Office Supplies <ul style="list-style-type: none"> - Pens, highlighters - White-out tape - Post-its/scratch paper - Paper clips - Printer paper - Printer toner - Manila envelopes - Banker boxes (sorting bins for applications) 		
Refreshments <ul style="list-style-type: none"> - Buy food - Napkins, plates, cups - Water 		
Chairs and Tables		

Documents to Create/Obtain	Completed or N/A	Notes
Spreadsheet of DA and Superior Court Locations		
Sign-In Sheet		
Court Forms for County <ul style="list-style-type: none"> - Loaded onto laptops, and/or - Hard copies printed 		
Court Forms for other counties <ul style="list-style-type: none"> - Loaded onto laptops, and/or - Hard copies printed, and/or - Loaded onto thumb drive 		
List of Eligible/Excluding Offenses		
Attorney Reference Guide		
Attorney Worksheet/Intake Form		
Intake Form		
Disclaimer/Release forms		
Next Steps flyer		
List of Upcoming/Recurring Clinics		

Appendix H

Sample Attorney Steps and Prop. 47 and Clean Slate Remedies Worksheets

Step 1: Introduce yourself and provide overview of appointment

“First thing we are going to do is review your RAP sheet and identify any Prop 47-eligible convictions. I will also look it over to see if there are any convictions that make you ineligible, but the Court and DA will make that final determination. After that, I will fill out the forms with you and we will mail them in on your behalf [or provide service/filing instructions].”

Step 2: Review the RAP sheet for Prop. 47-eligible convictions

Identify all Prop. 47-eligible convictions. Refer to the Eligible Offenses/Exclusion list. Tab each conviction or use highlighter if you are making copies of attendees RAP Sheets. You can also use the attached *Attorney Worksheet* to organize the case information.

Step 3: Review the RAP sheet for Exclusions

Go back and review the RAP sheet and look for any convictions that would make the attendee ineligible for Prop. 47 relief. Refer to handout for Exclusions.

Step 4: Complete the [Application for Reclassification] or [Attorney Worksheet]

[Use the following language if your volunteer attorneys will be completing the court forms themselves.]

For each case involving a Prop 47-eligible conviction, you will need a separate Prop. 47 application. If the attendee has two Prop. 47 convictions, but they are in one case, you will only need one application and indicate both code sections for which the attendee received a conviction. Complete the name, code and section of conviction, conviction date, case number, courthouse and county of conviction on the Prop. 47 application. Have the attendee/defendant sign and date the application/court forms.

[Use the following language if using forms volunteers/non-legal volunteers to complete the Court forms]

Complete the conviction information on the attached *Attorney Worksheet* for each Prop. 47-eligible conviction. The forms/non-legal volunteer will then complete the actual Prop. 47 application/court forms.

Step 5: Service and Filing

Put the completed *Application* and *Proof of Service* form in the envelope. Have the attendee put their name and address on the self-addressed stamped envelope and place that in the envelope. Write the address of the appropriate Courthouse (there will be a list of courthouses and addresses at each table). Place the completed application/court forms in the designated box; service and filing will be completed as determined by the host organization.

Closing Remarks:

“Now that we’ve completed your application(s), we will mail them to the correct Courthouse for you [or provide service/filing instructions]. Please put your name/address on these two self-addressed stamped envelopes. After we finalize your paperwork, we will send you a copy and the court will send you a copy of your proof of filing.”

Sample Attorney Worksheet – Prop. 47 Cases

Participant's Name: _____ Attorney's Name _____

Name on Case: _____ Case #: _____

Date Convicted: _____ Courthouse: _____

Code & Section: _____ County: _____

Notes:

Name on Case: _____ Case #: _____

Date Convicted: _____ Courthouse: _____

Code & Section _____ County: _____

Notes:

Name on Case: _____ Case #: _____

Date Convicted: _____ Courthouse: _____

Code & Section _____ County: _____

Notes:

Name on Case: _____ Case #: _____

Date Convicted: _____ Courthouse: _____

Code & Section _____ County: _____

Notes:

Name on Case: _____ Case #: _____

Date Convicted: _____ Courthouse: _____

Code & Section _____ County: _____

Notes:

Clean Slate Remedies Eligibility Chart

Relief desired	Completion of Petition process can take as long as	Currently charged with crime?	On Probation or Parole?	Sentenced to state prison for this particular case?	Convicted of infraction for this particular case?	Convicted of serious sex offense? (286, 288, 288a, 288.5, 289, or felony 261.5)	Unpaid fines, fees, or restitution?	Arrest during probationary period?	Law enforcement contact during rehab or diversion program?
PC §1203.4 (mandatory dismissal set aside)	4 months	Ineligible	Ineligible	Ineligible	Ineligible	Ineligible	Ineligible	Ineligible	Ineligible
PC §1203.4 (discretionary dismissal set aside)	4 months	Ineligible, (practically)	Eligible, but must be compelling	Ineligible	Ineligible	Ineligible	Eligible, but must be compelling	Eligible, but must be compelling	Eligible, but must be compelling
PC §1203.3 (end probation)	3 months	Ineligible	Eligible	Ineligible	Ineligible	Probably Ineligible	Probably Ineligible	Ineligible	Ineligible
PC §4853 (direct pardon)	12 months	Ineligible	Eligible	Eligible	Eligible	Eligible	N/A	N/A	N/A
PC §§4852.01 et seq. (certificate of rehabilitation)	6 months	Ineligible	Eligible	Eligible	Ineligible	Ineligible	Probably Ineligible	Ineligible	N/A
PC §851.8 (factual innocence; seal and destroy)	4 months	Ineligible	Eligible	Ineligible	Ineligible	Ineligible	N/A	N/A	N/A
PC §851.9 (seal drug diversion record)	4 months	Ineligible	Ineligible	Ineligible	N/A	N/A	Ineligible	Ineligible	Ineligible
PC §17(B) (reduce felony to misdemeanor)	4 months	Ineligible	Ineligible	Eligible only if wobbler	N/A	Eligible only if wobbler	Ineligible	Ineligible	Ineligible

**Prepared by East Bay Community Law Center*

DISMISSAL ELIGIBILITY UNDER PC §§ 1203.4 AND 1203.4a

Is client eligible to file for dismissal?

What standards apply?

Is conviction eligible for dismissal?

Is dismissal mandatory?

Is dismissal discretionary?

ELIGIBILITY OF CLIENT

- off probation/parole
- not charged with a new crime
- not incarcerated

Was **PROBATION** granted for this conviction? (Determines if Dismissal will be 1203.4 or 1203.4a.)

YES PROBATION

Dismissal is under 1203.4

The conviction is eligible for dismissal if:

- A prison sentence was **never executed** (If prison: Must file *Certificate of Rehabilitation*.)

Dismissal is **mandatory** if:

- Probation successfully completed
- Not found in violation of probation
- No new crimes committed during probation
- Fees/Restitution paid OR no community service is outstanding
- Probation terminated early

NO PROBATION

Dismissal is under 1203.4a

The conviction is eligible for dismissal if:

- It was a misdemeanor or a non-vehicle code infraction

AND

- Defendant served sentence

AND

- At least 1 year has passed

Dismissal is **mandatory** if:

- 1 year has passed
- Defendant obeyed all laws for 1 year after conviction

In all other cases (e.g., violation of probation, committed another crime), dismissal is **discretionary**.

- Court must find that dismissal is in the interest of justice
- Declaration is required

EXCEPTIONS:

NEVER ELIGIBLE

Penal Code §§ 286(c), 288, 288a(c), 288.5, or 289(j); and any *felony* conviction under Penal Code § 261.5(d). **[Sex Crimes]**

ALWAYS DISCRETIONARY

Penal Code §§ 191.5(b) or 192(c); **Vehicle Code** §§ 2800.2, 2800.3, 14601, 14601.1, 14601.2, 14601.3, 14601.5, 20001, 20002, 21651(b), 22348(b), 23103, 23109(a), 23109(c), 23109.1, 23140(a), 23140(b), 23152 (DUI), 23153 or 31602 **WHERE PROBATION ENDED AFTER 1/1/2008**

PC § 17(b) REDUCTION OF FELONY TO MISDEMEANOR

Some felonies can be reduced to misdemeanors under Penal Code § 17(b)(3). Two criteria must be met:

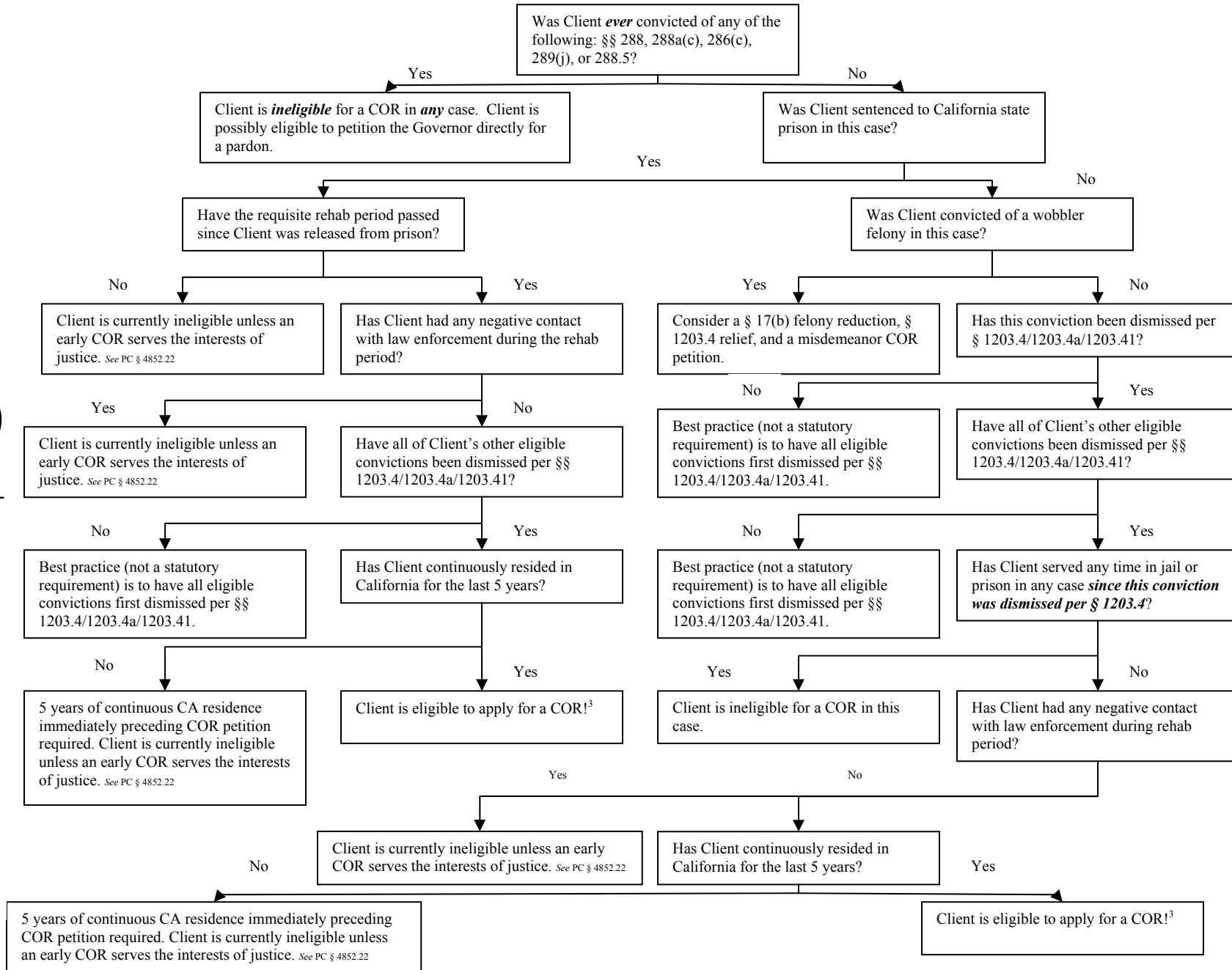
1. The conviction was a “wobbler” – meaning it could be charged as either a felony or a misdemeanor.
 - Defined by sentencing options found in the statute.
 - Before Realignment: Punishable by jail or prison.
 - After Realignment:
 - Punishable by jail or prison

OR

 - Punishable by jail or pursuant to 110714
2. Imposition of sentence must be suspended (person must *not* have actually gone to prison).
 - ❖ Reductions under PC § 17(b) are **always discretionary**.
 - ❖ A **Declaration** is required.

CERTIFICATES OF REHABILITATION (Cal Pen Code § 4852.01 et seq.)—FELONIES

Note: A COR will not relieve § 290 registration duty for those required to register following a conviction for the serious sex offenses listed in Cal PC § 290.5(a)(2)



Past administrations have granted very, very few pardons. Governor Brown has granted more.

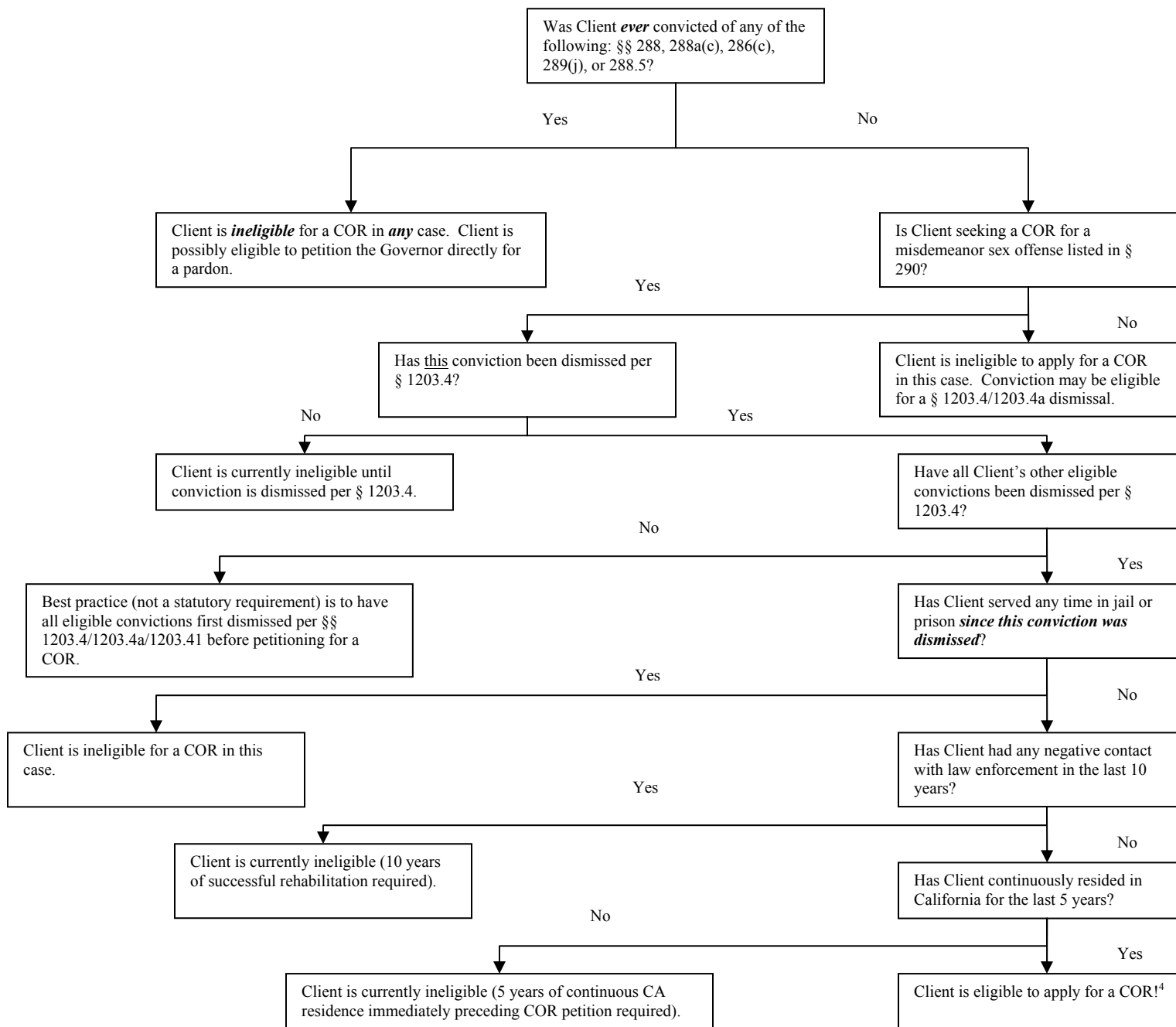
Note: There is a 9 year period of rehabilitation for murder, sabotage, kidnapping, trainwrecking, assault with a deadly weapon by a Lifer, and mayhem; a 10 year period of rehabilitation for § 290 convictions, except for convictions under §§ 311.2(b-d), 311.3, or 311.10, which have a 7 year period of rehabilitation.

³In almost all cases, a court may not deny COR petition with prejudice. See *People v. Lockwood*, 66 Cal. App. 4th 222, 228 (1998).

CERTIFICATES OF REHABILITATION (Cal Pen Code § 4852.01 *et seq.*)—MISDEMEANORS

Note: A COR will not relieve § 290 registration duty for those required to register following a conviction for the serious sex offenses listed in Cal PC § 290.5(a)(2)

MISDEMEANORS



Recent administrations have granted very, very few pardons.

Note: For convictions under §§ 311.2(b-d), 311.3, or 311.10, the requisite rehabilitation period is 7 years.

But see People v. Ramirez, 2009 Cal. App. Unpub. LEXIS 9440 (Trial court may grant COR to petitioner, even if petitioner has violated the law during the period of rehabilitation).

⁴In almost all cases, a court may not deny COR petition with prejudice. *See* People v. Lockwood, 66 Cal. App. 4th 222, 228 (1998).

SAMPLE ATTORNEY WORKSHEET - CLEAN SLATE REMEDIES

Client Name: _____

Interviewer: _____

Date: _____

Advising Atty: _____

CONVICTIONS LIST ORGANIZER

(Oldest to Newest)

EXAMPLE: Case No. M000001 (Page 2) [Page on RAP Sheet]

County: Santa Cruz

Conviction Date: 6/7/2009

Charge(s): (1) PC 484 – Petty Theft (M / F / I) (2) _____ (M / F / I)
(3) _____ (M / F / I) (4) _____ (M / F / I)

Sentence: _____ Jail / Prison 12 months **Probation** / Parole

(Violations OR New Convictions While on Supervision: **Yes** or No)

(Unpaid Fees / Fines / Restitution: **Yes** or No)

----- ATTORNEY ONLY BELOW -----

Remedy: 17(b) Reduction & / OR Prop 47 Reduction

1203.4 Petition for Dismissal (Mandatory / Discretionary)

Certificate of Rehabilitation

Other: _____ Ineligible for Relief because _____.

(1) Case No. _____ **(Page**)

County:

Conviction Date:

Charge(s): (1) _____ (M / F / I) (2) _____ (M / F / I)
(3) _____ (M / F / I) (4) _____ (M / F / I)

Sentence: _____ Jail / Prison _____ Probation / Parole

(Violations OR New Convictions While on Supervision: **Yes** or No)

(Unpaid Fees / Fines / Restitution: **Yes** or No)

Remedy: 17(b) Reduction & / OR Prop 47 Reduction

1203.4 Petition for Dismissal (Mandatory / Discretionary)

Certificate of Rehabilitation

Other: _____ Ineligible for Relief because _____.

(2) Case No. _____ **(Page**)

County:

Conviction Date:

Charge(s): (1) _____ (M / F / I) (2) _____ (M / F / I)
(3) _____ (M / F / I) (4) _____ (M / F / I)

Sentence: _____ Jail / Prison _____ Probation / Parole

(Violations OR New Convictions While on Supervision: **Yes** or No)

(Unpaid Fees / Fines / Restitution: **Yes** or No)

Remedy: 17(b) Reduction & / OR Prop 47 Reduction

1203.4 Petition for Dismissal (Mandatory / Discretionary)

Certificate of Rehabilitation

Other: _____ Ineligible for Relief because _____.

Client Name: _____
Date: _____

Interviewer: _____
Advising Atty: _____

(3) Case No. _____ **(Page)**

County: _____

Conviction Date: _____

Charge(s): (1) _____ (M / F / I) (2) _____ (M / F / I)
(3) _____ (M / F / I) (4) _____ (M / F / I)

Sentence: _____ Jail / Prison _____ Probation / Parole

(Violations OR New Convictions While on Supervision: Yes or No)

(Unpaid Fees / Fines / Restitution: Yes or No)

Remedy: 17(b) Reduction & / OR Prop 47 Reduction

1203.4 Petition for Dismissal (Mandatory / Discretionary)

Certificate of Rehabilitation

Other: _____ **Ineligible for Relief because** _____.

(4) Case No. _____ **(Page)**

County: _____

Conviction Date: _____

Charge(s): (1) _____ (M / F / I) (2) _____ (M / F / I)
(3) _____ (M / F / I) (4) _____ (M / F / I)

Sentence: _____ Jail / Prison _____ Probation / Parole

(Violations OR New Convictions While on Supervision: Yes or No)

(Unpaid Fees / Fines / Restitution: Yes or No)

Remedy: 17(b) Reduction & / OR Prop 47 Reduction

1203.4 Petition for Dismissal (Mandatory / Discretionary)

Certificate of Rehabilitation

Other: _____ **Ineligible for Relief because** _____.

(5) Case No. _____ **(Page)**

County: _____

Conviction Date: _____

Charge(s): (1) _____ (M / F / I) (2) _____ (M / F / I)
(3) _____ (M / F / I) (4) _____ (M / F / I)

Sentence: _____ Jail / Prison _____ Probation / Parole

(Violations OR New Convictions While on Supervision: Yes or No)

(Unpaid Fees / Fines / Restitution: Yes or No)

Remedy: 17(b) Reduction & / OR Prop 47 Reduction

1203.4 Petition for Dismissal (Mandatory / Discretionary)

Certificate of Rehabilitation

Other: _____ **Ineligible for Relief because** _____.

Client Name: _____
Date: _____

Interviewer: _____
Advising Atty: _____

(6) Case No. _____ (Page)

County: _____

Conviction Date: _____

Charge(s): (1) _____ (M / F / I) (2) _____ (M / F / I)
(3) _____ (M / F / I) (4) _____ (M / F / I)

Sentence: _____ Jail / Prison _____ Probation / Parole

(Violations OR New Convictions While on Supervision: Yes or No)

(Unpaid Fees / Fines / Restitution: Yes or No)

Remedy: 17(b) Reduction & / OR Prop 47 Reduction

1203.4 Petition for Dismissal (Mandatory / Discretionary)

Certificate of Rehabilitation

Other: _____ Ineligible for Relief because _____.

(7) Case No. _____ (Page)

County: _____

Conviction Date: _____

Charge(s): (1) _____ (M / F / I) (2) _____ (M / F / I)
(3) _____ (M / F / I) (4) _____ (M / F / I)

Sentence: _____ Jail / Prison _____ Probation / Parole

(Violations OR New Convictions While on Supervision: Yes or No)

(Unpaid Fees / Fines / Restitution: Yes or No)

Remedy: 17(b) Reduction & / OR Prop 47 Reduction

1203.4 Petition for Dismissal (Mandatory / Discretionary)

Certificate of Rehabilitation

Other: _____ Ineligible for Relief because _____.

(8) Case No. _____ (Page)

County: _____

Conviction Date: _____

Charge(s): (1) _____ (M / F / I) (2) _____ (M / F / I)
(3) _____ (M / F / I) (4) _____ (M / F / I)

Sentence: _____ Jail / Prison _____ Probation / Parole

(Violations OR New Convictions While on Supervision: Yes or No)

(Unpaid Fees/Fines/Restitution: Yes or No)

Remedy: 17(b) Reduction & / OR Prop 47 Reduction

1203.4 Petition for Dismissal (Mandatory / Discretionary)

Certificate of Rehabilitation

Other: _____ Ineligible for Relief because _____.

Watsonville Law Center Client Follow-Up Checklist

Client Name: _____

Students: complete this form for Supervising Attorney (SA) review. Both you and the SA initial the form in the corner. Duplicate the completed form, one to the client and attach a copy to the file for WLC records.

1 petition for dismissal is filed for each eligible case. The petition must be filed in the county in which you were convicted.

Note: this is a preliminary review only, based on limited information provided. Additional information may show that this assessment is in error.

A. Based on our review, it appears that you have:

- ☐ Misdemeanor/infraction case(s), of which
 - ☐ *can* be dismissed by a judge at a hearing ("discretionary") (see section D)
 - ☐ *must* be dismissed ("mandatory") (see section E)
- ☐ Felony(ies) case(s), of which
 - ☐ *can* be dismissed by a judge at a hearing ("discretionary") (see section D next page)
 - ☐ *must* be dismissed ("mandatory") (see section E)
 - ☐ felony(ies) that *can* be reduced to a misdemeanor by a judge at a hearing ("wobbler") (see section D) A felony can be reduced *and* dismissed at the same time.
 - ☐ felony(ies) that *can* be reclassified as a misdemeanor under Proposition 47. (see section F)

B. ☐ For AB 109/realignment/PC 1170(h) convictions, dismissals are discretionary. See section D about discretionary dismissals.

- ☐ Since you have a split sentence (released with a "tail"; sentenced under PC 1170(h)(B)(5)), you can apply for expungement one year after completing supervision.
- ☐ Since you have straight time (no "tail"; sentenced under PC 1170(h)(A)(5)), you can apply two years following release from supervision.

C. ☐ Because you are **still on probation you are not eligible to petition for dismissal at this time. You can request **early termination of probation** (PC 1203.3). If the court terminates probation early, the underlying conviction must be dismissed in most cases. Once you are off probation, you can begin the record clearance process (unless AB109/1170(h), then see Section B above).**

D. ☐ Discretionary cases (up to a judge to decide). Prepare to show that dismissing your convictions is in "the interests of justice." Because you have discretionary dismissals and/or wobbler felonies (see sections A) or AB 109 cases (section B), you should **begin to document why a judge should dismiss your conviction(s). The judge will want to see what has changed: what is different now compared to what was going on at the time of your conviction(s). Consider **participating in community programs &/or community service work – and keep track of it!****

The kinds of **documents** that people can include in their expungement petitions:

- * Letters of support from community members, employers, religious leaders, friends, family, co-workers, sponsors.
- * Certificates of accomplishment (completion of programs, GED, training)
- * Photos of community service work (e.g., coaching, help at church picnic)
- * Other documents showing contributions, advancement or positive work

When you are eligible to apply for expungement, the documents will help show the judge that the "interests of justice" support dismissing your conviction.

- E. ☐ **Mandatory - required - dismissals:** You are entitled to a mandatory dismissal under the law. Counties vary in their treatment of mandatory dismissals, but no support documents are needed. All that is required is the petition (CR180) and the judge's order form (CR181).
Note: Santa Clara County has a special application for mandatory dismissals. No petition is required, just the application.

The current filing fee is ☐ \$150 or ☐ \$60 (non-probation cases only). You can submit a fee waiver form with your petition seeking to have the reimbursement costs to the court or department waived.

- F. ☐ **Proposition 47:** Proposition 47, passed by California voters in November of 2014, reclassified several categories of theft and drug possession crimes from felonies or "wobblers" to straight misdemeanors. (**Note: Prop 47 petitions must be filed by Nov. 4th of 2017!**)

- **Petition(s) for Reclassification:** Because you have completed your sentence(s) for the qualifying crime(s), you can petition the superior court in which you were convicted to have these convictions reclassified to misdemeanors. These applications must be granted if the applicant fits the eligibility criteria. Typically, there will only be a hearing if the district attorney requests that it be calendared.
- **Petition for Resentencing:** Because you are currently serving a sentence for an eligible offense, you may petition the court to be resentenced. Petition(s) for resentencing must be granted, if eligible for relief, unless the court finds that an individual poses "an unreasonable risk of danger to the community." A hearing will likely be calendared for these petitions.

- G. ☐ **Juvenile offenses** are handled in a separate process. Contact the Juvenile Probation Department or your local Public Defender's office, or visit www.sealitCA.org to find a link to the record sealing application in your county.

- I. ☐ Since you have one or more **prison case(s)**, you can apply for a Certificate of Rehabilitation after you expunged all eligible jail cases and when you:

- * Have lived in California for the last five years before applying, *and*
- * Not have had a problem with the law for ☐ 7, ☐ 9 or ☐ 10 years since your last (a) release from custody, or (b) negative encounter with law enforcement, whichever is later.

- J. ☐ More information is needed. Please **get your DOJ record** and request a follow up record clearance appointment.

- K. ☐ Because you have immigration issue, please seek counsel from an immigration attorney, to discuss which record clearance options might be helpful. (see Immigration Referral List)

- ☒ **Call the Clerk's Office** to ask whether there is a balance due. If there is, ask for a detailed statement of your account. Note: Unpaid restitution and fines may be a barrier to having your convictions dismissed. However, owing a balance to the County does not bar you from applying for relief, and unpaid fees should not interfere with what is an otherwise mandatory dismissal.

People v. Bradus (2007) 149 Cal.App.4th 636.

- ☒ **Please note: The WLC will do nothing further on your behalf after this Record Clearance interview is complete unless a different service agreement is established.** If we can provide additional services, we will sign a new agreement at that time describing the services.

Client Name: _____

Interviewer: _____

Services Provided at Clinic

_____ RAP sheet reviewed

_____ Record clearance advice was delivered

_____ Prop 47 Petition & Order Form Completed for Santa Cruz County

List Case Numbers: _____

_____ Prop 47 Petition Completed for _____ County(ies) in client's name and returned to client for pro per filing, and client provided with "how to" for filing pro per.

List Case Numbers: _____

_____ CR180 (Petition for Dismissal) & CR 181 (Order for Dismissal) completed for mandatory cases in Santa Cruz County

List Case Numbers: _____

_____ CR180 (Petition for Dismissal) & CR 181 (Order for Dismissal) completed for mandatory cases in _____ county(ies), and client provided with "how to" for filing pro per.

List Case Numbers: _____

☐ An attorney reviewed all completed Petitions (Advising Attorney Initials: _____)

_____ Client provided Criminal Record & Employment Background Checks Handout

_____ Client provided Immigration Attorney Referral List

_____ Additional Handouts & Resources Provided to Client:

_____ Other: _____

_____ Unable to review record and provide advice because client did not have sufficient records. Referred to Live Scan service provider and given "How to access your RAP sheet" hand out and contact information to set up record clearance clinic appointment.

IMPORTANT: Please review this packet and intake documents with designated "check out" person.

WLC Staff Only: ☐ Checked Out at _____ PM

Initials: _____

Appendix I
SAMPLE DISCLAIMER AND RELEASE FORM

Name	Date of Birth	
Please Provide the Best Address for You to Receive Mail Street Address		
City	State	Zip
Phone Number	Alternate Phone (optional)	
Email		

Please read the following and sign below.

- I understand that the Record Change Clinic (the Clinic) is staffed by volunteers, who agree to act professionally and courteously toward all participants, and I agree to do the same.
- I am asking the Clinic for law-related information that can help me with Prop. 47 and other legal remedies. I understand that:
 - The Clinic and its volunteers will give me legal information, NOT legal advice.
 - Neither the Clinic nor its volunteers will represent me as my attorney. I will be representing myself in connection with any petitions stemming from the Clinic.
 - If the Clinic can identify potential available petitions and complete the necessary forms today, it agrees to assist me with filing those petitions. However, no attorney/client relationship is being created, and neither the Clinic nor its volunteers will have any obligations to me once filing is completed.
 - The Clinic will NOT share my information with other agencies, except:
 - To partner agencies participating in the Clinic for provision of directly related services.
 - Anonymous information for research or informational purposes.
 - The Clinic and its participating organizations may contact me to ask for additional information under the same terms and conditions.
 - I understand that news media, photographers and videographers may be attending the Clinic and that I may be filmed, but that no audio recording will take place within the individual client meetings without my consent.
 - I would like to share my story with videographers_____ [initial]
 - I would like to share my story with members of media _____[initial].
- I have read and understood the statement written above.

Participant Signature: _____ Date: _____

Appendix J

Sample NEXT STEPS Flyer

NOW WHAT?

I. FILING AND SERVING YOUR COURT FORMS

If the Prop. 47/Clean Slate Clinic you attended is not going to file your completed petitions (court forms) with the appropriate court, **you must (1) mail a copy of the forms to the District Attorney, if required, and (2) file those forms with the court. Instructions are provided below.**

If the clinic you attended is going to file and serve your completed court forms for you, you can skip this section and go to Section II.

A completed expungement packet will contain:

- Your original expungement petition and order
- Your fee waiver and order
- Your supporting declaration (if necessary)
- The Proof of Service or Affidavit of Service by Mail (if necessary)
- A copy of each document for your records

A completed Prop. 47 packet will contain:

- Your original Prop. 47 petition
- The Proof of Service
- A copy of each document for your records

SERVICE BY MAIL

Under standard court procedure, the District Attorney's Office (the prosecutor) must be given a copy of any petition and all supporting documents (except for fee waivers). This is called "service."

There are several important rules regarding service:

- You cannot sign the Proof of Service/Affidavit of Service by Mail. If you do, your petition will be rejected by the court. ***Someone other than you must complete service.***
- That person must complete and sign the Proof of Service, where they swear to the court that they gave or mailed a copy of the petition to the prosecutor.
- Each petition/court form must have its own Proof of Service.
- The person who signs the Proof of Service must deposit the copies in the U.S. Mail ***that same day***. They can use one envelope for multiple petitions/court forms.

FILING YOUR COURT FORMS

Your completed petitions (court forms) and supporting documentation must be filed with the appropriate court. The name and address of the court where each form must be filed should be indicated at the top of each form. You can also look up the contact information for each California courthouse at: <http://www.safeandjust.org/county-map/>.

There are several important steps regarding court filing:

1. To file your petition, take your complete expungement and/or Prop. 47 packet **(the original and the copies)** to the courthouse that handled the case.
 - If you have multiple cases in different courthouses, you will need to mail or take each packet to the appropriate courthouse.
2. Ask for the Criminal Clerk who handles expungement or Prop. 47 petitions.
3. The clerk will take the original petition and file it with the court. The clerk will stamp the copy and return it to you. The stamped copy is yours to keep.
4. After filing your petition, the court will send you a reply by mail, which may take 4-8 weeks. The court's reply will let you know whether your petition has been granted, denied, or if a hearing has been scheduled.
 - It is also possible to check if a hearing has been scheduled online at: <http://www.lacourt.org/criminalcasesummary/ui/>. **You will need your case number to look up this information.**
 - You may also call the court clerk and ask for the disposition of your petition.
 - You do not have to go to your hearing, but it is strongly recommended that you attend.

II. How Long Does it Take?

The expungement/Prop. 47 process usually takes 6-10 weeks, but this time frame may be longer if there are court processing delays, if a hearing is required, or if your case is older. We cannot guarantee how long it will take the court once your petition is filed.

If you have not heard from the court after 10 weeks, call the court clerk where your court forms were filed and ask for the disposition of your petition.

- The telephone number to the _____ County Courthouse is _____.
- You can also look up the contact information for each California courthouse at: <http://www.safeandjust.org/county-map/>.

Appendix K
Sample Flyer of Upcoming Clinics



Proposition 47 Clinics: Greater Los Angeles Area

Bring your Court Dockets or RAP Sheet to any of the Legal Clinics listed below for FREE assistance filing the necessary petitions to have your felony reclassified under Prop. 47.

Los Angeles County

1st & 3rd Tuesday of each month, 5:00 pm Neighborhood Legal Services of L.A. County 9354 Telstar Ave., El Monte, CA 91731 By Appointment Only: (800) 433-6251	1st Saturday of each month, 10:00 am to 1:00 pm Los Angeles <i>Hosted by Legal Aid Foundation of L.A.</i> Call (323) 801-7950 for registration and location information
2nd Tuesday of every month, 5:30 pm Downtown Los Angeles <i>Hosted by Legal Aid Foundation of Los Angeles</i> Call (323) 801-7950 for registration and location information	2nd Saturday of each month, 10:00 am to 2:00 pm Watts <i>Hosted by A New Way of Life Reentry Project & UCLA School of Law</i> Must arrive no later than 11 am. Call (323) 563-3575 to register and for location information.
Every Wednesday, 10 am to 4 pm, Walk-In Clinic Long Beach, <i>Hosted by A New Way of Life Reentry Project and All of Us or None</i> 920 Atlantic Avenue, Suite 101, Long Beach, CA 90813 For questions contact (323) 572-4341	Every Wednesday, 6:00 to 8:00 pm Los Angeles Community Action Network (LACAN) 838 E. 6th St., Los Angeles, CA 90021 Call (213) 228-0024 to register
4th Saturday of most months, 10:00 am to 2 pm Long Beach - <i>Hosted by A New Way of Life Reentry Project</i> Must arrive no later than 11 am. Call (323) 563-3575 to register and for location information	2nd & 4th Saturday of each month, 9:00 am Neighborhood Legal Services of L.A. County 13327 Van Nuys Blvd., Pacoima, CA 91331 (800) 433-6251. No need to call ahead. Please arrive before 9:00 am

Inland Empire (*Serving San Bernardino and Riverside County Residents Only*)

1st Friday of each month, 10:00 to 11:30 am Riverside Superior Court Self-Help Center <i>Hosted by Inland Empire Latino Lawyers Association</i> 3535 10th St., 2nd Fl., Riverside, CA 92501 Walk-in; first come, first served. (951) 369-5846	4th Friday of each month, 3:30 to 6:00 pm Cesar Chavez Community Center <i>Hosted by Inland Empire Latino Lawyers Association</i> 2060 University Ave. #103, Riverside, CA 92507 Walk-in; first come, first served. (951) 369-5846
3rd Friday of each month, 10:00 to 11:30 am San Bernardino Law Library <i>Hosted by Inland Empire Latino Lawyers Association</i> 402 North "D" St., San Bernardino, CA 92408 Walk-in; first come, first served (951) 369-5846	

Visit: www.MyProp47.org/events for a list of the latest Prop. 47 clinics and events across the state.
A special thank you to all of the community organizations and legal service providers that are organizing clinics!



How to Get Your *Los Angeles County* Criminal Record

1. Go to the Clerk's Office in any L.A. County Superior Court that handles criminal cases. See list of all L.A. Superior Court locations below or visit <http://www.lacourt.org/courthouse>.
2. Fill out the **"Records Request"** form and select **"Conviction Docs"** on the form to obtain your criminal record information. This report will provide information about all your convictions *within Los Angeles County only* (since 1978).
3. Your criminal record will be provided *on the same day*. If your record is longer than 25 pages, there will be a waiting period.
4. This report is *free* as long as you go into the Court to request your own record; if anyone else requests your record for you, there is a charge of 50¢ per page.

Airport Courthouse 11701 S. La Cienega, 2 nd Floor (Felony) Los Angeles, CA 90045 (310) 725-3025	Alhambra Courthouse 150 W. Commonwealth, Room 234 Alhambra, CA 91801 (626) 293-2199	Bellflower Courthouse 10025 East Flower St., 2 nd Floor Bellflower, CA 90706 (562) 345-3398
Burbank Courthouse 300 East Olive, Room 100 Burbank, CA 91502 (818) 260-8498	Catalina Courthouse 215 Sumner Avenue Avalon, CA 90704 (562) 256-2314	Central Arraignment Courts 429 Bauchet St., 2 nd Floor Los Angeles, CA 90012 (213) 617-5699
Clara Shortridge Foltz Criminal Justice Center 210 West Temple Street Los Angeles, CA 90012 (213) 628-7900	Compton Courthouse 200 W. Compton Blvd., Room 403 Compton, CA 90220 (310) 761-8658	Downey Courthouse 7500 East Imperial Highway Downey, CA 90242 (562) 803-7050
East Los Angeles Courthouse 4848 E. Civic Center Way Los Angeles, CA 90022 (323) 780-2025	El Monte Courthouse 11234 East Valley Blvd., Room 100 El Monte, CA 91731 (626) 401-2298	Glendale Courthouse 600 East Broadway, Room 154 Glendale, CA 91206 (818) 265-6498
Gov. George Deukmejian Courthouse 275 Magnolia, 1 st Floor Long Beach, CA 90802 (562) 256-2314	Inglewood Courthouse One Regent Street Inglewood, CA 90301 (310) 419-1398	Metropolitan Courthouse 1945 South Hill Street, 2 nd Floor Los Angeles, CA 90007 (213) 745-3202
Michael Antonovich Antelope Valley Courthouse 42011 4 th Street West, 1 st Floor Lancaster, CA 93534 (661) 483-5798	Norwalk Courthouse 12720 Norwalk Blvd., Room 101 Norwalk, CA 90650 (562) 345-0896	Pasadena Courthouse 300 E. Walnut Ave., Rm. 202 (Felony) Pasadena, CA 91101 (626) 396-3393
Pomona Courthouse South 400 Civic Center Plaza, Room 101 Pomona, CA 91766 (909) 802-1199	San Fernando Courthouse 900 Third Street, Room 1135 San Fernando, CA 91340 (818) 256-1898	Santa Clarita Courthouse 23747 West Valencia Blvd. Santa Clarita, CA 91355 (661) 253-5698
Torrance Courthouse 825 Maple Ave. Torrance, CA 90503 (310) 787 3698	Van Nuys Courthouse West 14400 Erwin Street Mall, 2 nd Floor Van Nuys, CA 91401 (818) 989-6998	West Covina Courthouse 1427 West Covina Parkway West Covina, CA 91790 (626) 430-2598

Appendix L
Reclassification Infographic

HOW TO RECLASSIFY YOUR FELONY UNDER PROP. 47

ARE YOU
ELIGIBLE?

A CONVICTION FOR ONE OF THE FOLLOWING

- ✓ Simple drug possession
- ✓ Petty theft, including commercial burglary \$950 or less
- ✓ Shoplifting \$950 or less
- ✓ Writing a bad check \$950 or less
- ✓ Forgery \$950 or less
- ✓ Receipt of stolen property \$950 or less

&

NONE OF THE FOLLOWING PRIOR CONVICTIONS

- ✓ Prior conviction for rape, child molestation or other violent crimes
- ✓ Sex offender registrant
- ✓ Identity theft
- ✓ Currently serving a sentence or on probation*

*You may be eligible for resentencing.
See www.MyProp47.org for more information.



STEP 2

COMPLETE PROP 47 FORMS

Download the appropriate forms from the website of the Superior Court where you were convicted.

CHECK WWW.MYPROP47.ORG TO FIND THESE FORMS

STEP 1

GET A COPY OF YOUR CRIMINAL RECORD

Go to the Superior Court where you were convicted or contact the California Department of Justice (best option if you have convictions in multiple counties).

STEP 3

MAKE YOUR RECLASSIFICATION PACKET(S)

Your Reclassification Forms + Your Criminal Record = Your Packet.

- 1 Copy for Superior Court
- 2 Copy for District Attorney
- 3 Original for your files

MAKE 3 COPIES
OF EACH PACKET!

Note: You will need one packet for each felony conviction that you want reclassified to a misdemeanor. Some counties may require additional forms.

CHECK WWW.MYPROP47.ORG FOR MORE INFORMATION ON EACH COUNTY.

STEP 4

FILE YOUR PAPERS

- 1 One packet to the District Attorney's Office where convicted. Your county may require you to serve this packet in person.
- 2 One packet to the Superior Court where convicted.
- 3 Keep the other packet for your files.

CHECK WWW.MYPROP47.ORG FOR YOUR COUNTY'S SPECIFIC FILING REQUIREMENTS.

STEP 5

WAIT FOR YOUR APPROVAL

In most counties, the Superior Court will notify you by mail when your application is approved. Some counties may require that you return to the Court for the results of your application. You are entitled to a hearing if there is a dispute.

STEP 6

ACCESS NEW OPPORTUNITIES

You may be eligible for new benefits now that your felony has been reclassified.

MYPROP47

CALIFORNIANS
FOR SAFETY AND JUSTICE
MYPROP47.ORG

CÓMO CAMBIAR SU DELITO BAJO LA PROP. 47

ES USTED
ELEGIBLE?

UNA CONDENA POR UNO DE LOS SIGUIENTES

- ✓ Posesión simple de drogas
- ✓ Hurto menor de \$950 o menos
- ✓ Robo por \$950 o menos
- ✓ Fraude de cheque por \$950 o menos
- ✓ Falsificación por \$950 o menos
- ✓ Recibo de propiedad robada por \$950 o menos

Y

NINGUNA DE LAS SIGUIENTES CONDENAS ANTERIORES

- ✓ Condena anterior por violación, asesinato o abuso de menores
- ✓ Registrado en la lista de delincuentes sexuales
- ✓ El robo de identidad
- ✓ Actualmente cumpliendo una condena o en libertad condicional*

*Usted puede ser elegible para una nueva sentencia. Para más información visite www.MyProp47.org.

SI!
VAYA AL
PASO 1

PASO 2

COMPLETE LAS FORMAS DE LA PROP 47

Descargue las formas correspondientes en el sitio web de la Corte Superior donde lo condenaron.

VISITE WWW.MIPROP47.ORG PARA ENCONTRAR ESTAS FORMAS

PASO 1

OBTENGA UNA COPIA DE SU EXPEDIENTE PENAL

Ir a la Corte Superior donde lo condenaron o comuníquese con el Departamento de Justicia de California (la mejor opción si tiene condenas en varios condados).

PASO 3

HAGA SU PAQUETE DE RECLASIFICACIÓN (S)

Sus Formas de Reclasificación + Sus Antecedentes Penales = Su Paquete.

- 1 Copia para la Corte Superior
- 2 Copia para el Fiscal de Distrito
- 3 Original para sus archivos

HAGA 3 COPIAS DE
CADA PAQUETE!

Usted necesitará un paquete para cada condena por delito que desea reclasificar a un delito menor.

VISITE WWW.MIPROP47.ORG PARA MÁS INFORMACIÓN SOBRE CADA CONDADO

PASO 4

PRESENTE SUS DOCUMENTOS

- 1 Un paquete a la Oficina del Fiscal de Distrito donde fue condenado. Su condado puede requerir que presente este paquete en persona.
- 2 Un paquete a la Corte Superior donde fue condenado.
- 3 Mantenga el otro paquete para sus archivos.

VISITE WWW.MIPROP47.ORG PARA REQUISITOS DE PRESENTACIÓN ESPECÍFICOS DE SU CONDADO

PASO 6

ACCESO A NUEVAS OPORTUNIDADES

Usted puede ser elegible para nuevos beneficios ahora que su delito ha sido reclasificado.

PASO 5

ESPERE SU APROBACIÓN

En la mayoría de los condados, el Tribunal Superior le notificará por correo cuando su solicitud sea aprobada. Algunos condados pueden exigir que regrese a la Corte por los resultados de su aplicación. Usted tiene derecho a una audiencia si hay una disputa.

MIPROP47.ORG

CALIFORNIANS
FOR SAFETY AND JUSTICE

Appendix M

Sample Intake Forms

Interviewer: _____

Advising Atty: _____

Prop 47 & Record Clearance Intake Notes

Client brought the following documents to be reviewed (check all that apply)

- o Department of Justice (DOJ) Criminal History Report
- o _____ County Superior Court Records (ONLY of ALL criminal history in _____ County)

What are client's goals/What are the reasons for seeking record clearance advice (immigration, employment, other (please explain))?

This image shows a single sheet of white paper with horizontal blue or grey ruling lines. The lines are evenly spaced and run across the width of the page. There are approximately 20 lines visible. The paper appears to be a standard notebook page.

Is the client currently on probation, parole, or any other type of supervision? Yes / No

- If Yes, expected date of termination: _____

Is the client currently charged with any crime? Yes / No / Uncertain

Does the client have any pending warrants? Yes / No / Uncertain

Additional Notes: _____

[illegible]



Clean Slate Practice Brief Service Intake Form

CONFIDENTIAL

TODAY'S DATE: ____ / ____ / ____

NAME: _____ SSN: _____
(Last Name) (First Name) (Middle Name)

ADDRESS: _____
(Street/Apt #) (City) (State) (Zip)

PHONE: (____) _____ MESSAGE PHONE: (____) _____ Detailed Message OK? ☐ Yes ☐ No

BIRTH DATE: _____ AGE: _____ GENDER: ☐ M ☐ F ☐ TG ☐ TS ☐ Other

EMAIL: _____ HOW DID YOU HEAR ABOUT US?: _____

**We are required to report anonymous statistical information regarding the clients we serve to our funders.
The following information is reported to funders as anonymous statistical information only and is otherwise confidential.**

ETHNICITY: ☐ Hispanic ☐ Non-Hispanic PRIMARY LANGUAGE (if not English): _____

RACE:
Please check all races that apply. If Hispanic, also select a race.
☐ White ☐ Amer. Indian or Alaskan Native ☐ Asian & White
☐ Black or African American (AA) ☐ Amer. Indian or Alaskan Native & White ☐ Black or AA & White
☐ Asian ☐ Native Hawaiian/Other Pacific Islander ☐ Amer. Indian or Alaskan Native & Black or AA

ARE YOU A U.S. CITIZEN? ☐ Yes ☐ No ARE YOU REGISTERED TO VOTE IN CALIFORNIA? ☐ Yes ☐ No

DISABILITY? ☐ Yes ☐ No Nature of Disability: _____

PERSONAL STATUS: ☐ Single ☐ Married ☐ Divorced ☐ Separated ☐ Widowed ☐ Domestic Partner

HOUSEHOLD SIZE: _____ NUMBER OF DEPENDENT CHILDREN: _____ Are you the head of household? ☐ Yes ☐ No

ARE YOU CURRENTLY A VICTIM OF DOMESTIC VIOLENCE OR SEXUAL ASSAULT? ☐ Yes ☐ No

MONTHLY TANF (CalWORKs) \$ _____ Child Supp: \$ _____ GA: \$ _____ SDI: \$ _____ None: ☐
Pension: \$ _____ SSDI: \$ _____ SSI: \$ _____ Unemp: \$ _____ Food Stamps: ☐
VA benefits: \$ _____ Wages: \$ _____ Other: \$ _____ (If other specify source: _____)

CURRENT HOUSING: ☐ Permanent ☐ Non-Permanent (homeless/shelter/transitional) ☐ Chronically Homeless

In seeking assistance in addressing my criminal record, my goals are: _____

Legal Advice and Referral Only--No Representation Conflict of Interest Waiver and Income Certification

Unless otherwise stated in a written retainer agreement, the East Bay Community Law Center provides legal information, referrals and advice only, which shall not create a future or continuing relationship with EBCLC or volunteer attorneys staffing our clinics, workshops and intake. Due to the short-term and limited nature of the legal services provided, it is not possible for EBCLC to systematically screen for conflicts of interest as is generally required. I am informed, understand, and waive all unknown conflicts of interest that may arise during the course of limited legal services provided to me at this time. I also hereby certify that, to the best of my knowledge, the above information, including income is true and correct. I understand income information is subject to verification only by authorized HUD and or City officials.

Signature _____

APPENDIX N

Service and Filing

In some counties, service and filing can be completed relatively simply. This is likely the case in counties with only one courthouse. However, in some counties and for some people, the process of filing and service can be confusing and difficult. Attendees may have trouble getting to a courthouse during the workday to file, or may not be able to afford postage to mail the filing. If a client has multiple cases in multiple courthouses or counties, the problem is magnified. For this reason, you may want to consider handling these tasks for your attendees.

Service

Under standard court procedure, the District Attorney's Office must be given a copy of any petition and all supporting documents (except for fee waivers). This is called "service." The confusing part for attendees is that service must be completed by someone *other than* the client. That person must then complete a Proof of Service, where they swear to the court that they gave or mailed a copy of a petition to the prosecutor.

If your clinic chooses to handle service, this process happens easily and simply for the attendee:

- ✓ Copy the court forms and any supporting documentation that you will mail to the appropriate prosecutor at the conclusion of the clinic.
- ✓ A representative of your clinic can sign the Proof of Service with your organization's information, indicating the date that you are mailing the petitions.
- ✓ The attendee leaves with a fully completed set of forms.
- ✓ Your organization then mails the court forms to the appropriate District Attorney Office.
- ✓ You must deposit the copies in the U.S. Mail ***that same day***. You can consolidate service for multiple cases and clients in the same envelope for service.

If you choose *not* to handle service:

- ❖ You must explain this process to your attendees.
- ❖ They will need to find a third person who can send the copies to the prosecutor.
- ❖ They will leave with an incomplete set of forms, because the Proof of Service cannot be completed at the clinic. Most times, clients misunderstand this process and sign the Proof of Service themselves, or fail to complete service at all, resulting in rejected petitions from the court.

Filing

Completed court forms and supporting documentation must be filed with the appropriate court. Filing is usually less complicated for people to complete and easier to understand, so it is less essential that your clinic handle filing. If you have the resources, it can be helpful, particularly for those who will need to file their court documents at multiple courthouses.

If you choose to handle filing:

- ✓ Your clinic will **keep the original copies of all completed court forms.**
- ✓ Your clinic will give the client a copy to keep for their records.
- ✓ You will then either mail the forms to the appropriate courthouse or take them to the appropriate courthouse after the clinic ends.
- ✓ You should make it clear to the court that you are not representing the attendee, so any follow-up (such as court appearances) should be directed to the attendee, not to you.

If you do *not* handle filing:

- ❖ It is important that the attendee leaves the clinic with a clear understanding of what they need to do to file.
- ❖ If the attendee has multiple cases in multiple courthouses, clearly mark where each of their court documents needs to be filed, using post-it notes or another method.
- ❖ Provide attendees with the address(es) of the courthouse(s) where they need to file their paperwork.