

What is a dismissal, and am I eligible?

A dismissal is a process by which a conviction or plea (of guilty or no contest) in a criminal case is set aside and the case is dismissed. It relieves the defendant of certain penalties that result from a criminal action. In certain instances you may be able to petition the court for a dismissal of your case. If you have successfully completed all the terms of probation stated in your case, please read on to determine if you qualify to have your conviction withdrawn and dismissed. The following are requirements of Penal Code Section 1203.4 or 1203.4a:

PC1203.4 - Defendant has been discharged from probation, AND:

Defendant is not now serving a sentence for any offense, AND

Defendant is not now on probation for any offense, AND

Defendant is not now charged with committing any offense.

PC1203.4a - If probation was not granted, and more than one (1) year has elapsed since the date of sentencing, Defendant may be eligible for dismissal if:

Defendant has fully complied with and performed the sentence of the court, AND

Defendant is not now serving a sentence for any offense, AND

Defendant is not now charged with committing any offense.

~~NOTICE~~

The relief granted by Penal Code §§1203.4 or 1203.4a does NOT seal, destroy, or remove any entries from the court law enforcement of Department of Justice records. This is a dismissal of the charge(s) and conviction(s) only. If the petition is granted, a notation will be entered on the record that relief was granted pursuant to this statute. The Department of Motor Vehicles will consider the conviction for purposes of revocation or suspension of the driving privilege pursuant to Vehicle Code §13555.

Records 10 Years or Older

Government Code §68152 allows that court records be destroyed after ten (10) years. The court may not be able to process a petition filed more than ten years after a case has been adjudicated unless the appropriate court records can be provided. The following documentation is acceptable:

- A copy of the complaint, conviction, and/or clerk's minutes in the case.
- A Department of Justice abstract of the defendant's criminal history, which may be obtained by contacting:

Department of Justice
Records Review Unit
P.O. Box 903417
Sacramento, CA 94206-4170
(800) 952-5225
<http://caag.state.ca.us>