

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address) TELEPHONE NO.: FAX NO.: (Optional): E-MAIL ADDRESS (Optional): ATTORNEY FOR (Name):	<i>FOR COURT USE ONLY</i>
PEOPLE OF THE STATE OF CALIFORNIA, Vs. DEFENDANT:	
CASE NO.:	
<p style="text-align: center;">NOTICE OF HEARING ON PETITION FOR:</p> Dismissal of Accusations Pursuant to Penal Code §1203.4 or §1210.1(e)(1) Change of Plea and Dismissal Pursuant to Penal Code §1203.4a Modification/termination or Probation (Penal Code §1203.3) Reduction to Misdemeanor	

TO THE PROSECUTING ATTORNEY OF THE COUNTY OF AMADOR:

1. NOTICE IS HEREBY GIVEN _____ filed a PETITION FOR:

Change of Plea and Dismissal of Accusation Pursuant to Penal Code Section 1203.4.

Change of Plea and Dismissal of Accusation Pursuant to Penal Code Section 1210.1(e)(1).

Change of Plea and Dismissal Pursuant to Penal Code Section 1203.4a.

Termination of probation on _____, 20____.

Reduction of offense to a misdemeanor.

Other:

2. NOTICE IS FURTHER GIVEN _____, 20____, at _____ A.M./P.M. is the date and time set for hearing this matter in Department _____ of the above-entitled court, at which time and place the prosecuting attorney may appear and show cause, if any, why the order prayed for should not be granted.

3. You may refer to the filed documents for further information.

Dated: / /

PETITIONER

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address) TELEPHONE NO.: FAX NO.: (Optional): E-MAIL ADDRESS (Optional): ATTORNEY FOR (Name):	<i>FOR COURT USE ONLY</i>
PEOPLE OF THE STATE OF CALIFORNIA, Vs. DEFENDANT:	CASE NO.:
PROOF OF SERVICE PERSONAL MAIL	

1. At the time of service I was at least 18 years of age and not a party to this action.
2. I served copies of the Petition for Dismissal of Accusations Pursuant to Penal Code Section 1203.4, 1203.4a or 1210.1(e)(1), Declaration of Probation Officer and Notice of Hearing.
3.
 - a. Service was upon the Office of the District Attorney
 - b. Name of person served (if by personal service):
4. Address where party was served:
5. I served the party (check proper box)
 - a. by personal service. I personally delivered the documents listed in Item 2 to the party or person authorized to receive service of process for the party:
 (1) on (date): / / (2) at (time):
 - b. by mail. I mailed the documents listed in Item 2 to the party at the address shown in Item 4, by first-class mail, postage prepaid,
 (1) on (date) : / / (2) from (city):
6. I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date: / /

(print name of person who served papers)

 (signature of person who served papers)

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address) TELEPHONE NO.: FAX NO.: (Optional): E-MAIL ADDRESS (Optional): ATTORNEY FOR (Name):	<i>FOR COURT USE ONLY</i>
PEOPLE OF THE STATE OF CALIFORNIA, Vs.	
DEFENDANT:	CASE NO.:
<p style="text-align: center;">DECLARATION OF PROBATION OFFICER ON PETITION FOR:</p> Dismissal of Accusations Pursuant to Penal Code §1203.4 or §1210.1(e)(1) Change of Plea and Dismissal Pursuant to Penal Code §1203.4a Modification/termination or Probation (Penal Code §1203.3) Reduction to Misdemeanor	

I, _____ Probation Officer for the County of Amador, declare as follows:

1. Petitioner was convicted of a violation of Section _____ of the _____ Code.

2. On _____, _____, Petitioner was granted probation. Through their contacts with the probation officer, the Petitioner was informed of his/her rights pursuant to §1203.4 and §1210.1(e)(1) of the Penal Code.

3. Petitioner:
 - a. Has satisfactorily fulfilled the terms and conditions of probation.
 - b. Has successfully completed drug treatment and complied with the conditions of probation, and requests dismissal of charges.
 - c. Has been discharged prior to the termination of the probation period.
 - d. Requests the Court, in its discretion and the interests of justice, grant the requested relief.
 - e. Requests the Court declare the offense to be a misdemeanor.

- f. Requests probation be terminated early.

- 4. Petitioner is now entitled to pursue the proceedings authorized by §1203.4 and §1210.1(e)(1) of the Penal Code.

- 5. I will notify the prosecuting attorney of the filing of said PETITION.

- 6. OTHER:

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

Dated: / /

DECLARANT

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address) TELEPHONE NO.: FAX NO.: (Optional): E-MAIL ADDRESS (Optional): ATTORNEY FOR (Name)	<i>FOR COURT USE ONLY</i>
PEOPLE OF THE STATE OF CALIFORNIA, Vs.	
<p style="text-align: right;">CASE NO.:</p> <p style="text-align: center;">ORDER ON PETITION FOR:</p> <p>Dismissal of Accusations Pursuant to Penal Code §1203.4 or §1210.1(e)(1) Change of Plea and Dismissal Pursuant to Penal Code §1203.4a Modification/termination or Probation (Penal Code §1203.3) Reduction to Misdemeanor</p>	

The petition of _____ came for hearing on _____, 20____.

(Defendant/Petitioner)

Petitioner _____ did _____ did not appear _____ was present for the
 people. The matter was submitted. _____ (Deputy District Attorney)

The Court finds:

1. Petitioner has given the prosecuting attorney proper notice of the petition and proof of service has been filed with the Court.
2. Petitioner:
 - a. Has satisfactorily fulfilled the terms and conditions of probation.
 - b. Has successfully completed drug treatment and complied with the conditions of probation.
 - c. Requests the Court, in its discretion and the interests of justice, grant the requested relief.
 - d. Requests the Court declare the offense to be a misdemeanor.
 - e. Requests probation be terminated early.
3. Petitioner is not serving a sentence for any offense.
4. Petitioner is not on probation for any offense (for 1203.4 PC applicants).
5. Petitioner is not charged with the commission of any offense.
6. The Petition should be granted.

IT IS ORDERED:

1. Check appropriate box(es):
 - a. Petitioner be allowed to withdraw their plea of guilty and enter a plea of not guilty.
 - b. Petitioner be allowed to withdraw their plea of *nolo contendere* and enter a plea of not guilty.
 - c. The Court set aside the guilty verdict that resulted after a plea of not guilty.
 - d. The Court declares the offense to be a misdemeanor.
 - e. The Court orders probation be modified to a summary status.
 - f. The Court orders probation be terminated.

For petitions pursuant to Sections 1203.4 or 1210.1(e)(1) of the Penal Code:

2. The accusations or information, herein filed against Petitioner, be dismissed.
3. Petitioner be released from all penalties and disabilities resulting from the conviction, except as provided in Section 13555 of the Vehicle Code and Section 1203.4, subdivision (b), of the Penal Code.
4. Petitioner is hereby informed this ORDER does not relieve them of the obligation to disclose the conviction in response to any direct question contained in any questionnaire or application for public office, for licensure by any state or local agency or for contracting with the California State Lottery.
5. Petitioner is hereby informed dismissal of an accusation or information, pursuant to Penal Code Section 1203.4, does not permit the Petitioner to own, possess or have in his or her custody or control any firearm capable of being concealed upon the person or prevent his or her conviction pursuant to Section 12021 of the Penal Code.

For petitions pursuant to Sections 1203.4a or 1210.1(e)(1) of the Penal Code:

Defendant is eligible for the relief provided by Sections 1203.4a or 1210.1(e)(1) of the Penal Code of the Penal Code. It is ordered the guilty/ *nolo contendere*/ plea/ verdict finding of guilt in this action be set aside, a plea of not guilty be entered, and the complaint be dismissed pursuant to Section 1203.4a of the Penal Code of California.

Dated: / /

JUDGE OF THE SUPERIOR COURT