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DISMISSAL OF CRIMINAL CASES
Penal Code section 1203.4
(Formerly expungement of criminal records)

WHO IS ELIGIBLE?

Any adult who had been granted and successfully completed probation, either by fulfilling the conditions of probation or being discharged before the end of his/her probationary period. He/She must not be on probation or serving a sentence for any other offense. (Penal Code § 1203.4)

WHAT IS THE DIFFERENCE BETWEEN AN EXPUNGEMENT AND A DISMISSAL?

The terms are used interchangeably in California regarding 1203.4 motions, however the word "expungement" is misleading by common definition. To "expunge" means "to strike out, obliterate...efface completely, destroy, blot-out, erase, wipe out, annihilate, annul, or put an end to". In criminal law "expungement" means "the eradication of a record of conviction or adjudication upon the fulfillment of prescribed conditions. In practical terms, the conviction is not "erased" from public view. Anyone who has access to public court websites can still view the case information. However, the disposition of the case will reflect that it was "dismissed".

WHAT ARE THE EFFECTS OF THE DISMISSAL?

IT WILL:

- 1. Result in the verdict or plea of guilty being set aside;
2. Allow you to answer on job applications that you have not been convicted. If however, you are applying for a government job or a job which requires a government-issued license, certificate or permit, or a job which involves a security clearance, the conviction will be discovered - in such cases, you should disclose the conviction and its expungement.
3. If the conviction was for a felony, it is the first step in obtaining a pardon.

IT WILL NOT:

- 1. Remove the conviction from your "Rap Sheet" - California and FBI criminal history records will still show the conviction and a dismissal "per PC 1203.4";
2. Reinstate the right to possess firearms (reduction to a misdemeanor may accomplish this if the offense is not one of violence);
3. Allow you to omit the conviction from applications for government issued licenses;
4. Seal or otherwise remove the court case file from public inspection - anyone who knows where to look will be able to find the court case file (probation reports are in confidential files and are not subject to public inspection 90 days after sentencing);
5. Prevented the conviction from being used as a "prior" to increase punishment in case of subsequent conviction;
6. Prevent the conviction from being used for impeachment purposes if called as a witness;
7. Prevent the conviction from being considered and used to refuse or revoke government licenses and permits such as teaching credential, nursing license, bus driver's license, security guard certificate, etc., however, the expungement usually reduces the weight given the conviction by the licensing agency.;
8. Eliminate the conviction from consideration for immigration purposes.

HOW IS IT DONE?

If you seek a Dismissal on a Felony, contact the Office of the Public Defender 14 Civic Center Plaza, Santa Ana, and ask for the New Leaf Paralegal.

If you seek a Dismissal on a Misdemeanor, contact the appropriate Branch Office listed below.

Table with 7 columns: CENTRAL OFFICE, HARBOR OFFICE, JUVENILE OFFICE, MENTAL HEALTH, NORTH OFFICE, SUPERIOR 600 FELONY PANEL, WEST OFFICE. Each column lists address, city, state, zip, and phone number.

ORANGE COUNTY PUBLIC DEFENDER "NEW LEAF" APPLICATION

Personal Information				
First Name	Middle Name	Last name	Other names used	
Date of Birth	Place of birth	Social Security #	CDL#	Today's Date
Contact Information				
Street Address		Apt. #	City	Zip Code
Phone		Alt. Phone		Email address
May we leave a message for you at these contact numbers if you do not answer?				No <input type="checkbox"/> Yes <input type="checkbox"/>
Case Information				
O.C. Case # or date	Additional case	Additional case	Did the Public Defender represent you on this case?	
			No <input type="checkbox"/> Yes <input type="checkbox"/>	
Have you had any other arrests or convictions from other counties? If yes, please complete below:				
Date	Arrest or Conviction	County	Charges/conduct	
Current Information				
Are you currently on probation?			No <input type="checkbox"/>	Yes <input type="checkbox"/>
Are you currently on parole?			No <input type="checkbox"/>	Yes <input type="checkbox"/>
Are you currently serving a sentence?			No <input type="checkbox"/>	Yes <input type="checkbox"/>
Are you currently charged with a crime?			No <input type="checkbox"/>	Yes <input type="checkbox"/>
Which of the following types of relief are you interested in?				
<input type="checkbox"/>	Seal and Destroy Arrest (I am factually innocent)			
<input type="checkbox"/>	Early Termination of Probation (I am on probation and can provide good cause for early termination)			
<input type="checkbox"/>	Reduce Felony to Misdemeanor (I am on probation, but when my conviction occurred, there was an agreement I could reduce my felony to a misdemeanor <i>or</i> (I am no longer on probation and would like my felony reduced)			
<input type="checkbox"/>	Dismissal Pursuant to 1203.4 of the California Penal Code (formerly known as "expungement")			
<input type="checkbox"/>	Certificate of Rehab & Pardon (I was on probation and my conviction was expunged) <i>or</i>			
<input type="checkbox"/>	Certificate of Rehab & Pardon (I was not on probation, I served a State Prison Sentence)			

WORKSHEET

This questionnaire will be used to assist us in preparing a statement to the judge. Please answer the questions on this form as completely as possible and return it to the New Leaf Program, Orange County Public Defender.

We will also need you to provide us with the following:

- 3 to 5 character reference letters of addressed to *The Honorable Judge of the Court* from friends, family, employers, clergy, etc.
- Any school transcripts or diplomas (if you have attended school since your conviction)
- Any certificates of completion for rehabilitation or vocational programs (if you have attended any since your conviction)
- Community service documentation (if you were ever required to perform such service)
- Any other documentation you feel may help your case.

1. Why do you want Early Termination of Probation/Felony Reduction/Dismissal/ Certificate of Rehabilitation/Pardon?

2. How has your criminal record hurt your life?

3. How long has it been since your last *conviction* in any county? year(s)

4. How long has it been since your last arrest in any county? year(s)

