

ATTORNEY OR PARTY WITHOUT ATTORNEY ( <i>Name, Address.</i> )  Telephone No.: _____ Bar No. _____ Facsimile No.: _____ E-Mail address ( <i>optional</i> ): _____ ATTORNEY FOR ( <i>Name</i> ): _____	FOR COURT USE ONLY
<b>SUPERIOR COURT OF CALIFORNIA, COUNTY OF ORANGE</b> JUSTICE CENTER: Central - 700 Civic Center Dr. West, Santa Ana, CA 92701 Harbor - 4601 Jamboree Rd., Newport Beach, CA 92660 North - 1275 N. Berkeley Ave., P. O. Box 5000, Fullerton, CA 92838-0500 West - 8141 13th Street, Westminster, CA 92683	
PEOPLE OF THE STATE OF CALIFORNIA vs. DEFENDANT:	
<b>PETITION AND ORDER TO SEAL AND DESTROY ARREST RECORDS</b> Penal Code § 851.8	CASE NUMBER

**Read the Information and Instructions before completing this petition. The petition must be completed in its entirety and served upon the Prosecuting Attorney before filing with the court.**

1. Information relating to the arrest:

<i>Last</i>	<i>First</i>	<i>Middle</i>
Name:		
Date of Birth:	Driver's License No:	
Date of Arrest:	Arresting Agency:	
Booking Number:	Charges:	
Disposition:		

2. The offense was a \_\_\_\_\_ misdemeanor \_\_\_\_\_ felony.

3. A finding of factual innocence \_\_\_\_\_ has \_\_\_\_\_ has not\* been made on the above case or record of arrest.

\*If a finding has not been made, this petition serves as a request for a ruling that the petitioner is factually innocent of the charges for which the arrest was made. If a hearing is scheduled it will be the petitioner's responsibility to prove that no reasonable cause exists to believe that he or she committed the offense.

4. No complaint was filed. The law enforcement agency denied my petition on: \_\_\_\_\_; a copy of the denied petition is attached.

A complaint was filed on: \_\_\_\_\_. The case was dismissed on: \_\_\_\_\_.

5. The petitioner requests relief from the two year time restriction\*\* because:

\_\_\_\_\_

\_\_\_\_\_

\*\*from the date of the arrest or filing of the accusatory pleading, whichever is later (Penal Code section 851.8(l))

**PETITION AND ORDER TO SEAL AND DESTROY ARREST RECORDS**

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

Date:

▶ \_\_\_\_\_  
TYPE OR PRINT NAME

▶ \_\_\_\_\_  
(SIGNATURE OF PETITIONER)

Date:

▶ \_\_\_\_\_  
TYPE OR PRINT NAME OF ATTORNEY FOR PETITIONER

▶ \_\_\_\_\_  
(SIGNATURE OF ATTORNEY FOR PETITIONER)

**ORDER**

A hearing is set on \_\_\_\_\_ at \_\_\_\_\_ in Department \_\_\_\_\_ .  
*(Date)* *(Time)*

Petition Granted.

The Court finds the defendant factually innocent of the charge(s) for which the arrest was made.

The Court orders the law enforcement agency having jurisdiction over the offense, the Department of Justice, and any law enforcement agency which arrested the petitioner or participated in the arrest of the petitioner for an offense for which the petitioner has been found factually innocent under Penal Code section 851.8 to seal their records of the arrest and the court order to seal and to destroy such records, for three years from the date of the arrest and thereafter to destroy their records of the arrest and the court order to seal and destroy such records.

The Court orders the law enforcement agency having jurisdiction over the offense and the Department of Justice to request the destruction of any records of the arrest which they have given to any local, state, or federal agency, person or entity.

Petition Denied.

Other orders:

\_\_\_\_\_

\_\_\_\_\_

Date:

\_\_\_\_\_  
JUDGE/COMMISSIONER OF THE SUPERIOR COURT

**CLERK'S CERTIFICATE**

I certify that this document is a correct copy of the original on file in the court.

Date: \_\_\_\_\_ David H. Yamasaki, Clerk of the Court

By: \_\_\_\_\_  
Deputy Clerk

# of pages: \_\_\_\_\_ David H. Yamasaki

(seal)

**PETITION AND ORDER TO SEAL AND DESTROY ARREST RECORDS**

Case Name:	Case Number:
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**PROOF OF SERVICE**  
**Personal Service    Service by Mail**

1. Person serving: I am over the age of 18 and not a party to this action.  
Name:  
Address:  
  
Telephone:
  
2. I served a copy of the Petition and Order to Seal and Destroy Arrest Records as follows (*check one*):
  - a. Personal Service: I personally delivered the Petition and Order to Seal and Destroy Arrest Records to the person at the address listed below:
    - (1) Law Enforcement Agency:
    - (2) Address where served:
  
    - (3) Date served:
    - (4) Time served:
  
  - b. Service by Mail: I deposited the Petition and Order to Seal and Destroy Arrest Records in the United States mail, in a sealed envelope with first class postage fully prepaid. The envelope was addressed as follows:
    - (1) Law Enforcement Agency:
    - (2) Address:
  
    - (3) Date of Mailing:
    - (4) Place of Mailing (city and state):
  
3. I served a copy of the Petition and Order to Seal and Destroy Arrest Records as follows (check one):
  - a. Personal Service: I personally delivered the Petition and Order to Seal and Destroy Arrest Records to the person at the address listed below:
    - (1) Name of person served:  
**Office of the District Attorney**  
**Office of the City Attorney**
    - (2) Address where served:
  
    - (3) Date served:
    - (4) Time served:
  
  - b. Service by Mail: I deposited the Petition and Order to Seal and Destroy Arrest Records in the United States mail, in a sealed envelope with first class postage fully prepaid. The envelope was addressed as follows:
    - (1) Name of person served:  
**Office of the District Attorney**  
**Office of the City Attorney**
    - (2) Address:
  
    - (3) Date of Mailing:
    - (4) Place of Mailing (city and state):

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

Date:

▶ \_\_\_\_\_  
TYPE OR PRINT NAME

▶ \_\_\_\_\_  
(SIGNATURE OF DECLARANT)

**PETITION AND ORDER TO SEAL AND DESTROY ARREST RECORDS**