

Kern County Probation Department
1415 Truxtun Avenue
Bakersfield, CA 93301
(661)868-4550

Attn: PC 1203.4 Officer

I hereby request the Probation Department to appear for me in the above matter for the purpose of withdrawal of plea/dismissal of charges pursuant to Section 1203.4 of the Penal Code. I declare that I am not currently on probation for any offense; serving time for any offense or pending charges on the commission of any offense.

| | |
|----------------------------------|---------------------------|
| _____ Signature | _____ Date |
| Name: _____ | Case #: _____ |
| DOB: _____ DL#: _____ | Offense: _____ |
| SS#: _____ | Date of Conviction: _____ |
| Address: _____ _____ _____ | |
| Phone #: _____ | |
| Sex: _____ Race: _____ | |
| Height: _____ Weight: _____ | |
| Hair: _____ Eyes: _____ | |

You must reimburse the Kern County Probation Department for change of plea processing costs (\$120.00) prior to initiation of action. For each subsequent case after the initial case, the processing fee is \$60.00 per case.

Pay in person at Accounts Receivable, 2100 College Avenue, or mail this completed form with cashier's check or money order to the Kern County Probation Department, P.O. Box 3309, Bakersfield, CA 93385. **No personal checks will be accepted.**

Payment received on _____ By: _____
Probation Accounts Receivable

FOR YOUR INFORMATION

This information is being provided to answer questions that everyone seems to ask regarding a dismissal or change of plea pursuant to Penal Code Section 1203.4.

If you do not have the court number, type of offense, or date of conviction, obtain a copy of the docket from the Court where you appeared. **(Kern County only)**. You can also search criminal court case information via the internet at the website <http://kern.courts.ca.gov>. Please note that not all case information is available via the internet, however, you may request transcripts of Court proceedings through the internet.

This process does not require you to go to Court. If you are eligible, the Probation Department will prepare the Court order and send it to the Judge. Once the Court order is signed and returned to Probation, a copy will be sent to you. The court sends a copy of the Court order to Sacramento, California Identification and Investigations; that information is then placed on your arrest record indicating the conviction is set aside and dismissed.

Eligibility for a dismissal pursuant to Penal Code Section 1203.4 is determined by successful completion of the probation period, not being on probation now for anything, traffic, misdemeanor or felony, and have no charges pending. All fines, fees and warrants should be paid.

Should the Probation Department determine that you are not eligible for dismissal pursuant to Penal Code Section 1203.4, you may petition the Court through an attorney or you may represent yourself (pro per).

To have a felony reduced to a misdemeanor requires a motion filed by an attorney (see a private attorney or the Public Defender or you may represent yourself - pro per) and a Court hearing in which you would have to appear. Some felonies cannot be reduced to misdemeanors.

A dismissal does not take the conviction off your record. It is not sealed as a juvenile record can be.

If granted a dismissal or change of plea pursuant to Penal Code Section 1203.4, your right to be on a jury, and certain citizenship rights are restored. Certain crimes (sexual, etc.) still require registration for life. Dismissal of charges pursuant to this section does not permit a person to own, possess, or have in his or her custody or control any firearm or prevent his or her conviction for being a felon in possession of a firearm.

If you were sent to prison on a felony case, you cannot obtain a dismissal per Penal Code Section 1203.4.

This order does not relieve you of the obligation to disclose the conviction in response to any direct question contained in any questionnaire or application for public office, for license by any state or local agency, or for contracting with the California State Lottery.

This process may take up to six months to complete.

You may check with the Court Clerk 21 days after you receive notice from us on the outcome of our investigation to learn the Court's decision.

For more information regarding a dismissal or change of plea pursuant to Penal Code Section 1203.4, you can visit the Kern County Law Library located at 1415 Truxtun Avenue, 3rd Floor, Bakersfield, California, 93301 or visit the website: <http://kclawlib.org>.