



SAN MATEO COUNTY LAW LIBRARY

RESEARCH GUIDE #2

SUPRESIÓN DE SU REGISTRO CRIMINAL

Esta guía de recursos es solo para uso de orientación y no constituye el consejo legal. Si necesita consejo legal, debe hablar con un abogado. Para encontrar un abogado que lo ayude, puede comunicarse con el Servicio de Referencia de Abogados del Condado de San Mateo al (650)369-4149.

¿QUÉ SIGNIFICA LA SUPRESIÓN?

La supresión es un método para aclarar su registro criminal. Este procedimiento reabre su caso penal, despidiendo la convicción, y vuelve a cerrar el caso sin una convicción.

¿QUÉ HACER?

1. Determinar si Usted es Eligible

Para ser eligible, necesita satisfacer todas las condiciones siguientes:

1. Su convicción debe cumplir con las pautas descritas en PC § 1203.4, PC § 1203.4a, PC §1203.41, PC § 17, o PC § 1203.49.
2. Ha pasado por lo menos un año desde su convicción.
3. Debes haber completado los términos de tu sentencia.
4. No puedes estar cumpliendo una condena por ningún otro delito, ni ser acusado de cometer ningún otro delito.
5. El periodo de prueba para la convicción que está tratando de borrar no debe haber sido revocado, y tampoco reintegrado.
6. Entrada Diferida de Sentencia PC § 1203.43, el peticionario se desempeñó satisfactoriamente durante el periodo en que se otorgó la entrada diferida de la sentencia y los cargos penales se desestimaron bajo PC § 1000.3.

2. Obtenga Una Copia de Su Registro Criminal (o “Case Summary”)

Necesitará ir al condado donde fue condenado para obtener un paquete con las formas requeridas y una copia de su registro criminal o resumen del caso (“Case Summary”) por cada condena que desee eliminar. Para el condado de San Mateo, necesita que ir a la División Criminal de la Sala de Justicia ubicada en 400 County Center, 4to Piso, Redwood City, CA 94063.

Si ha sido condenado por un delito grave, comuníquese con el Programa de Defensores Privados al (650) 298 4000 para preguntas relacionadas con la toma de huellas digitales.

STEP 3. Complete las Formas Requeridas

Primero, necesita aprender como leer su registro criminal o resumen del caso (“Case Summary”). [Vea la muestra al final de esta guía.](#)

Las formas del Consejo Judicial utilizados en este procedimiento son:

1. [Petition for Dismissal \(CR-180\)](#) *No disponible es español*
Cuando completando esta forma, debe apuntar SOLO los casos por los que fue condenado. Si hay más de una convicción bajo un número de caso diferente, debe completar un CR-180 separado por cada uno de los números de caso diferentes. [Ver el ejemplo al final de esta guía.](#)
2. [Order for Dismissal \(CR -181\)](#) *No disponible es español*
Cuando completando esta forma, solo complete con su información personal en la parte superior de las 2 páginas y deje el resto en blanco. El juez revisara esta forma después de revisar su petición. [Ver el ejemplo al final de esta guía.](#)
3. [Attached Declaration \(MC-31\)](#) *No disponible es español* (*Ignore si no se proporciona con el paquete*)
Cuando completando esta forma, básicamente, usted está adjuntando una declaración que indica porque desea la eliminación de su convicción y explica su situación en la vida. En esta declaración, usted puede discutir:
 - Sus planes para el futuro;
 - Las razones por las que cometió su ofensa, y como su vida es diferente hoy de lo que era cuando la cometió;
 - Como la convicción ha afectado sus posibilidades de empleo;
 - Si ha recibido alguna formación o educación desde su convicción;
 - Cualquier ocurrencia en su vida que haya cambiado la forma en que interactúa con su comunidad; y
 - Cualquier afiliación religiosa o de 12-pasos que tenga.

[Vea la muestra al final de este guía.](#)

4. Proof of Service [CR-106](#) o [CR-106-Info](#) *No disponible en español*
5. Cuando completando estas formas, escriba su información personal en la parte superior de la página, enumere las formas que está adjuntando, y la información de la parte (el Abogado del Distrito, “District Attorney”) a la que una persona de su elección (puede ser un pariente, un amigo, o un servidor registrado de California) está sirviendo este documento. [Vea la muestra al final de este guía.](#)

STEP 4. Servir al Abogado del Distrito (“District Attorney”) y presentar los formularios

Las formas para su petición de Supresión de su Registro Criminal se deben de presentar en el condado donde fue condenado. Para el Condado de San Mateo, estas formas se presentan en la División Criminal ubicada en 400 County Center, 4to Piso, Redwood City, CA 94063. A partir del 01/01/22, los tribunales ya no cobran tarifas por eliminación de antecedentes según PC1203.4, según la nueva legislación AB 177. Haga 1 copia de sus formas.

- *En persona:* necesitas servir dos conjuntos de formas al Abogado del Distrito (“District Attorney”) quién aplicará un sello y luego, vaya a presentar las formas al empleado.
- *Por correo:* necesitas mandar 1 copia de las formas al empleado y 1 copia al D.A.

¡Y ESO DEBE SER TODO!

Para la mayoría de las personas, no será necesario programar una audiencia judicial. En su lugar, la petición se otorga automáticamente siempre y cuando haya cumplido con todos los requisitos. Tenga en cuenta que el tiempo de espera para procesar su petición es entre 30 y 90 días.

Después de un tiempo, recibirá una carta en el correo informándole de la supresión de su registro. Si se le niega, no se preocupe, no hay límite en el número de veces que puede solicitar la supresión. Es posible que a lo mejor haya agarrado a la persona equivocada en el día equivocado.

CASE SUMMARY
CASE NO.

DEFENDANT MUST SURRENDER TO LOCAL LAW ENFORCEMENT OR SELL TO A LICENSED GUN DEALER ANY FIREARM OWNED OR SUBJECT TO HIS OR HER IMMEDIATE POSSESSION OR CONTROL WITHIN 24 HOURS AFTER SERVICE OF THIS ORDER AND MUST FILE A RECEIPT WITH THE COURT SHOWING COMPLIANCE WITH THIS ORDER WITHIN 48 HOURS OF RECEIVING THIS ORDER.

01/09/2009	<p>Conversion Event <i>MIORD:</i> <i>GOOD CAUSE APPEARING, THE COURT ORDERS THE ABOVE-NAMED DEFENDANT MUST NOT ATTEMPT TO OR ACTUALLY PREVENT OR DISSUADE ANY VICTIM OR WITNESS FROM ATTENDING A HEARING OR TESTIFYING OR MAKING A REPORT TO ANY LAW ENFORCEMENT AGENCY OR PERSON.</i></p>
01/09/2009	<p>Conversion Event <i>SEACP:</i> <i>DEFENDANT ACCEPTED TERMS AND CONDITIONS OF PROBATION.</i></p>
01/09/2009	<p>Conversion Event <i>MIASE:</i> <i>ALL SENTENCE ELEMENTS FOR THIS PROCEEDING ENTERED.</i></p>
01/09/2009	<p>Conversion Event <i>MIENT:</i> <i>ENTERED BY M.KING ON 01/09/2009.</i></p>
01/09/2009	<p>Disposition 1. PC245(A)(1)-MISD-ASSAULT W/DEADLY WEAPON OTHER THAN FIREARM OR GBI FORCE Dismissal: Negotiated Plea ← No es necesario eliminar este cargo porque fue desestimado Charge #: 001 Allegation:</p>
01/09/2009	<p>Disposition 2. PC242-MISD-BATTERY ← Este cargo resulto en una convicción y debe ser eliminado Pled Nolo Contendere Charge #: 002 Allegation:</p>
01/09/2009	<p>Disposition 3. PC242-MISD-BATTERY ← Este cargo resulto en una convicción y debe ser eliminado Pled Nolo Contendere Charge #: 003 Allegation:</p>
01/09/2009	<p>Plea (Judicial Officer: SUPERIOR COURT JUDGE, SAN MATEO COUNTY) 2. PC242-MISD-BATTERY No Contest / Nolo Contendere Charge #: 002 Allegation:</p>
01/09/2009	<p>Plea (Judicial Officer: SUPERIOR COURT JUDGE, SAN MATEO COUNTY) 3. PC242-MISD-BATTERY No Contest / Nolo Contendere Charge #: 003 Allegation:</p>
01/13/2009	<p>Conversion Event <i>FDCII:</i> <i>CII FORWARDED TO ARRESTING AGENCY.</i></p>
01/13/2009	<p>Conversion Event <i>CJFNI:</i></p>

ATTORNEY OR PARTY WITHOUT ATTORNEY STATE BAR NO. FOR COURT USE ONLY

NAME: **Su nombre, dirección y número de teléfono. "In Pro Per" significa que se está representando a sí mismo.**

FIRM NAME: STREET ADDRESS: CITY: STATE: ZIP CODE: TELEPHONE (NO.): FAX NO. (E-MAIL ADDRESS):

ATTORNEY FOR (name):

PEOPLE OF THE STATE OF CALIFORNIA v. **Su nombre y fecha de nacimiento** **Número de caso por la convicción que está tratando de eliminar**

DEFENDANT: DATE OF BIRTH: CASE NUMBER: FOR COURT USE ONLY

PETITION FOR DISMISSAL
(Pen. Code, §§ 17(b), 17(d)(2), 1203.4, 1203.4a, 1203.41, 1203.42, 1203.43, 1203.49)

Fecha de la convicción **Tipo de ofensa**

DATE: TIME: DEPARTMENT:

1. On (date): _____, the petitioner (the defendant in the above-entitled criminal action) was convicted of a violation of the following offenses or was granted deferred entry of judgment for the following offenses:

Code	Section	Type of offense (felony, misdemeanor, or infraction):	Eligible for reduction to misdemeanor under Penal Code, § 17(b) (yes or no)	Eligible for reduction to infraction under Penal Code, § 17(d)(2) (yes or no)

Código y sección por la que fue condenado **Si su delito fue un delito grave ("Felony"), pero no pudo haber sido cargado como "Misdemeanor" (delito menor), escriba "Yes" para indicar que puede reducirse bajo PC § 17.**

If additional space is needed for listing offenses, use Attachment to Judicial Council Form (form MC-025).

2. Felony or misdemeanor with probation granted (Pen. Code, § 1203.4)
 Probation was granted on the terms and conditions stated in the docket of the above-entitled court; the petitioner is not serving a sentence for any offense, nor on probation for any offense, nor under charge of commission of any crime, and the petitioner (check all that apply)
- a. has fulfilled the conditions of probation for the entire period thereof.
 - b. has been discharged from probation prior to the termination of the period thereof.
 - c. should be granted relief in the interests of justice. (Please note: You may explain why granting a dismissal would be in the interests of justice. You can provide that information by writing in the space below, or by attaching a letter or other relevant documents. If you need more space for your writing, you can use the Attached Declaration (form MC-031) and attach it to this petition.)

Si se ordenó la libertad condicional ("Probation") en su caso, marque la casilla a, b, o c, dependiendo de cuál describa mejor su situación.

PEOPLE OF THE STATE OF CALIFORNIA v. DEFENDANT:

CASE NUMBER:

Su nombre

Número de caso

- 3. Misdemeanor or infraction with sentence other than probation (Pen. Code, § 1203.4a)
 Probation was not granted; more than one year has elapsed since the date of pronouncement of judgment. Petitioner has complied with the sentence of the court and is not serving a sentence for any offense or under charge of commission of any crime; and the petitioner (check one):
 - a. has lived an honest and upright life since pronouncement of judgment and conformed to and obeyed the laws of the land; or
 - b. should be granted relief in the interests of justice. (Please note: You may explain why granting a dismissal would be in the interests of justice. You can provide that information by writing in the space below or by attaching a letter or other relevant documents. If you need more space for your writing, you can use the Attached Declaration (form MC-031) and attach it to this petition.)

- 4. Misdemeanor conviction under Penal Code section 647(b) (Pen. Code, § 1203.49)
 Petitioner has completed a term of probation for a conviction under Penal Code section 647(b) and should be granted relief because the petitioner can establish by clear and convincing evidence that the conviction was the result of his or her status as a victim of human trafficking.
 (Please note: You may provide evidence that the conviction was the result of your status as a victim of human trafficking. You can provide that information by writing in the space below or by attaching a letter or other relevant documents. If you need more space for your writing, you can use the Attached Declaration (form MC-031) and attach it to this petition.)

Para los casos más comunes, no es necesario seleccionar nada aquí, solo el n.2 en la página 1.

- 5. Felony county jail sentence under Penal Code section 1170(h)(5) (Pen. Code, § 1203.41)
 Petitioner is not under supervision under Penal Code section 1170(h)(5)(B); is not serving a sentence for, on probation for, or charged with the commission of any offense; and should be granted relief in the interests of justice, and (check one)
 - a. more than one year has elapsed since petitioner completed the felony county jail sentence with a period of mandatory supervision imposed under Penal Code section 1170(h)(5)(B); or
 - b. more than two years have elapsed since petitioner completed the felony county jail sentence without a period of mandatory supervision imposed under Penal Code section 1170(h)(5)(A).
 (Please note: You may explain why granting a dismissal would be in the interests of justice. You can provide that information by writing in the space below or by attaching a letter or other relevant documents. If you need more space for your writing, you can use the Attached Declaration (form MC-031) and attach it to this petition.)

PEOPLE OF THE STATE OF CALIFORNIA v. DEFENDANT: Su nombre	CASE NUMBER: Número de caso
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6. Felony prison sentence that would have been eligible for a felony county jail sentence after 2011 under Penal Code section 1170(h)(5) (Pen. Code, § 1203.42)
- Petitioner is not under supervision and is not serving a sentence for, on probation for, or charged with the commission of any offense; more than two years have elapsed since petitioner completed the felony prison sentence; and petitioner should be granted relief in the interests of justice.
- (Please note: You may explain why granting a dismissal would be in the interests of justice. You can provide that information by writing in the space below or by attaching a letter or other relevant documents. If you need more space for your writing, you can use the Attached Declaration (form MIC-031) and attach it to this petition.)*



Para los casos más comunes, no es necesario seleccionar nada aquí, solo el n.2 en la página 1.

7. Deferred entry of judgment (Pen. Code, § 1203.43)
- Petitioner performed satisfactorily during the period in which deferred entry of judgment was granted. The criminal charge(s) were dismissed under former Penal Code section 1000.3 on (date): _____ . Furthermore (check one),
- a. court records are available showing the case resolution; or
 - b. petitioner declares under penalty of perjury that the charges were dismissed after he or she completed the requirements for deferred entry of judgment. Petitioner (check one)
 - (1) has
 - (2) has not
 attached a copy of his or her state summary criminal history information.
8. Petitioner requests that the eligible felony offenses listed above be reduced to misdemeanors under Penal Code section 17(b) and eligible misdemeanor offenses be reduced to infractions under Penal Code section 17(d)(2).
9. Petitioner requests that he or she be permitted to withdraw the plea of guilty, or that the verdict or finding of guilt be set aside and a plea of not guilty be entered and the court dismiss this action under the Penal Code section(s) noted above.

Fecha, firma y su dirección.

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

Date: _____ (SIGNATURE OF PETITIONER OR ATTORNEY)

 (ADDRESS OF PETITIONER) (CITY) (STATE) (ZIP CODE)

CR-181

<p>ATTORNEY OR PARTY WITHOUT ATTORNEY: NAME: Paul Sample FIRM NAME: STREET ADDRESS: 1234 Main Street CITY: Sacramento TELEPHONE NO.: 916-555-1423 E-MAIL ADDRESS: ATTORNEY FOR (name): In Pro</p>	<p style="text-align: center;">FOR COURT USE ONLY</p>
<p>Su nombre, dirección, y número de teléfono. "In Pro Per" significa que se está representando a sí mismo</p>	
<p>STATE: CA ZIP CODE: 95814 FAX NO.:</p>	
<p>PEOPLE OF THE STATE OF</p>	
<p>DEFENDANT: Paul Sample</p>	<p>DATE OF BIRTH: 05/10/1975</p>
<p>ORDER FOR DISMISSAL (Pen. Code, §§ 17(b), 17(d)(2), 1203.4, 1203.4a, 1203.41, 1203.43, 1203.49)</p>	
<p>CASE NUMBER: 05M012345</p>	

The court finds from the records on file in this case, and from the foregoing petition, that the petitioner (*the defendant in the above-entitled criminal action*) is eligible for the following requested relief:

DEJE EL RESTO EN BLANCO!
El juez completará el resto de esta forma después de revisar su petición

- only the following convictions in the above-entitled action (*specify charges and date of conviction*):
2. The court **DENIES** the petition for reduction of a felony to a misdemeanor under Penal Code section 17(b) and/or for reduction of a misdemeanor to an infraction under Penal Code section 17(d)(2) for (*check one*)
- ALL FELONY CONVICTIONS in the above-entitled action.
 ALL MISDEMEANOR CONVICTIONS in the above-entitled action.
 Only the following convictions in the above-entitled action (*specify charges and date of conviction*):
3. The court **GRANTS** the petition for dismissal regarding the following convictions under Penal Code § 1203.4 § 1203.4a § 1203.41 § 1203.43 § 1203.49 and it is ordered that the pleas of guilty or nolo contendere, or verdicts or findings of guilt be set aside and vacated and a plea of not guilty be entered and that the complaint or information be, and is hereby, dismissed for (*check one*)
- ALL CONVICTIONS OR PLEAS FOR DEFERRED ENTRY OF JUDGMENT in the above-entitled action.
 only the following convictions or pleas for deferred entry of judgment in the above-entitled action (*specify charges and date of conviction or plea for deferred entry of judgment*):
4. The court **DENIES** the petition for dismissal under Penal Code § 1203.4 § 1203.4a § 1203.41 § 1203.43 § 1203.49 for (*check one*)
- ALL CONVICTIONS in the above-entitled action.
 only the following convictions or pleas for deferred entry judgment in the above-entitled action (*specify charges and date of conviction or plea for deferred entry of judgment*):

Su nombre

CR-181

PEOPLE OF THE STATE OF CALIFORNIA v DEFENDANT:
Paul Sample

CASE NUMBER:
05M012345

Numero de caso

5. In granting this order under the provisions of Penal Code section 1203.49, the court finds that the defendant was a victim of human trafficking when he or she committed the crime. The court orders (*check one*)
- a. the relief described in section 1203.4.
 - b. the relief described in section 1203.4., with the following exceptions (*specify*):

DEJE EL RESTO EN BLANCO!
El juez completará el resto de esta forma después de revisar su petición

- Commission; and
 - b. Dismissal of the conviction does not *automatically* relieve petitioner from the requirement to register as a sex offender. (See, e.g., Pen. Code, § 290.5.)
7. If the order is granted under the provisions of Penal Code section 1203.49, the Department of Justice is hereby notified that petitioner was a victim of human trafficking when he or she committed the crime, and of the relief ordered.
8. If the order is granted under the provisions of either Penal Code section 1203.4, 1203.4a, 1203.41, or 1203.49, the petitioner is released from all penalties and disabilities resulting from the offense except as provided in Penal Code sections 29800 and 29900 (formerly sections 12021 and 12021.1) and Vehicle Code section 13555. In any subsequent prosecution of the petitioner for any other offense, the prior conviction may be pleaded and proved and shall have the same effect as if probation had not been granted or the accusation or information dismissed. The dismissal does not permit a person to own, possess, or have in his or her control a firearm if prevented by Penal Code sections 29800 or 29900 (formerly sections 12021 and 12021.1). Dismissal of a conviction does not permit a person prohibited from holding public office as a result of that conviction to hold public office.
9. In addition, as required by Penal Code section 299(f), relief under Penal Code sections 17(b), 17(d)(2), 1203.4, 1203.4a, 1203.41, or 1203.49 does *not* release petitioner from the separate administrative duty to provide specimens, samples, or print impressions under the DNA and Forensic Identification Database and Data Bank Act (Pen. Code, § 295 et seq.) if petitioner was found guilty by a trier of fact, not guilty by reason of insanity, or pled no contest to a qualifying offense as defined in Penal Code section 296(a).
10. The basis for an order of dismissal granted under the provisions of Penal Code section 1203.43 is the invalidity of defendant's prior plea due to misinformation in Penal Code section 1000.4 regarding the actual consequences of making a plea and successful completion of a deferred entry of judgment program.

FOR COURT USE ONLY

Date:

(JUDICIAL OFFICER)

OPCIONAL

MC-031

PLAINTIFF/PETITIONER: People of the State of California DEFENDANT/RESPONDENT: Paul Sample	CASE NUMBER: 05M012345
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DECLARATION

Personas en el caso original *do not be attached to another form or court paper before* Número de caso por la convicción que está tratando de eliminar

At the time of my conviction in 2005, I was only 19 years old, I had dropped out of school, I was not working. I had too much time on my hands and was hanging out with people who were a bad influence. This led me to getting in trouble.

After the birth of my daughter in 2007, I realized that I needed to get my life back on track, so that I could support her. With the help of my parents, I got my GED, and enrolled at UniTech to study Automotive Technology. I worked part time at an auto parts store while going to school part time, so I could support my daughter and help my parents with bills, since they were letting me stay with them. I finished my schooling in January 2011. Since then, I've been trying to find full time work as an Automotive Technician or Smog Technician, but am having a hard time. There are not a lot of jobs available right now, and having a conviction on my record puts me at a disadvantage against other applicants.

- En sus propias palabras, explique al corte por qué quiere eliminar su convicción de su registro criminal. Considere incluir información como:
- Sus planes para el futuro;
 - Las razones por las que cometió su ofensa, y como su vida es diferente hoy de lo que era cuando la cometió;
 - Como la convicción ha afectado sus posibilidades de empleo;
 - Si ha recibido alguna formación o educación desde su convicción;
 - Cualquier ocurrencia en su vida que haya cambiado la forma en que interactúa con su comunidad; y
 - Cualquier afiliación religiosa o de 12-pasos que tenga.

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

Date: 6/22/2011

Escriba su nombre, Firma, y Fecha

Marque la casilla "Defendant"

Paul Sample

(TYPE OR PRINT NAME)

(SIGNATURE OF DECLARANT)

- Attorney for Plaintiff Petitioner Defendant
 Respondent Other (Specify):

CR-106 Proof of Service-Criminal Record Clearing

Instructions

- Before using this form, read *Information on How to File a Proof of Service in Criminal Record Clearing Requests* (form CR-106-INFO).
- This form is only for providing proof that a document or form was served (delivered) in a case requesting that a court review a criminal record for dismissal, vacatur, resentencing, reduction, sealing, or other **record clearing remedy**.
- The person who serves (delivers) a document or form in this case and who fills out this form must be at least 18 years old.
- This form is for proof of service by mail or personal delivery. For proof of electronic service, use *Proof of Electronic Service* (form POS-050/EFS-050).
- A completed form should be filed with the court. Keep a copy of this form for your records.

Clerk stamps date here when form is filed.

**San Mateo
400 County Center
Redwood City, CA 94063
Southern Branch**

Fill in court name and street address:

Superior Court of California, County of

NUMERO DE CASO

Fill in criminal case number and case name:

Case Number:

Case Name:
People of the State of California
v.

1 At the time I served the document or form listed below, I was at least 18 years old.

SU DIRECCION

2 My home business address is:

Street City State Zip

3 I mailed or personally delivered the following document or form (fill in the name of the document you are serving and complete 4 or 5):

**PETITION FOR DISMISSAL
ORDER FOR DISMISSAL**

SU NOMBRE

4 Service by mail



SI SE ENTREGA POR CORREO COMPLETE AQUÍ

(a) I put one copy of the document or form in an envelope addressed to each agency (and person, if applicable) listed below, sealed the envelope, and put first-class postage on the envelope.

(b) The envelope or envelopes were addressed as follows:

(1) Name of agency served (and person, if applicable):

DISTRICT ATTORNEY

Address on envelope:

400 COUNTY CENTER

REDWOOD CITY

CA 94063

Street

City

State Zip

(2) Name of agency served (and person, if applicable):

Address on envelope:

Street

City

State Zip

Check here if you mailed copies of the document or form to more people or agencies. Attach a separate page listing the names and addresses on each additional envelope you mailed. Write "CR-106, Item 4" on the top of the page.

FECHA, CIUDAD Y ESTADO AQUÍ

(c) I mailed the envelope or envelopes on (date):
by depositing the envelope or envelopes (check one):

from (city): (state):

(1) With the U.S. Postal Service.

MARQUE CUÁL SE APLICA: 1 O 2

(2) At an office or business mail drop where I know the mail is picked up every day and deposited with the U.S. Postal Service.

SI SE ENTREGA EN PERSONA COMPLETA AQUÍ

Case Number:

5 Service by Personal Delivery



NUMERO DE CASO

I personally gave one copy of the document or form to each of the following:

(a) Name of person and agency served: **DISTRICT ATTORNEY**

(1) Address where you gave the document or form to this person:

400 COUNTY CENTER REDWOOD CITY CA 94063

Street City State Zip

(2) Date when you gave the document or form to this person: **PONGA LA FECHA DE SERVICIO AQUÍ**

(3) Time when you gave the document or form to this person: **PONGA EL TIEMPO DE SERVICIO AQUÍ**

(b) Name of person and agency served:

(1) Address where you gave the document or form to this person:

Street City State Zip

(2) Date when you gave the document or form to this person:

(3) Time when you gave the document or form to this person:

Check here if you gave copies of the document or form to more people. Attach a separate page listing the names of each of these people, the address where you gave each of them the document or form, and the date and time you gave them the document or form. Write "CR-106, Item 5" on the top of the page.

6 I declare under penalty of perjury under California state law that the information above is true and correct.

FECHA

Date:

IMPRIMA TU NOMBRE AQUÍ

Type or print server's name

SU FIRMA

Server signs here after serving

7 Who can serve the petition or motion?

- In most cases, the law allows you (the person who is filing the record clearing request) to serve the document or form.
- You can also ask someone else to serve the document or form.
- The person who serves a document or form for record clearing and fills out the *Proof of Service-Criminal Record Clearing* (form CR-106) must be at least 18 years old.
- Read the record clearing law you are basing your request on carefully to see if it sets any other requirements for who can serve the request.

8 When are the other parties served, and when do I file a proof of service?

- **Ask the court clerk if any local filing rules apply.**
- In most cases, the other parties should be served *after* the original document or form is filed with the court. That way, the court may add helpful information to the document or form, such as a hearing date.
- Some courts require that the document or form is first served on the other parties, and then the original document or form is filed with the court, along with a completed and signed proof of service.
- When you file the document or form with the court, take the original plus at least two copies of your documents.
 - The court will keep the original.
 - The clerk will stamp your copies "Filed" and return them to you. Keep one copy for your records.
 - The other parties can be served with a copy of your court-stamped document or form, and then you should file the proof of service with the court after the parties are served.

9 How should the petition or motion be served?

There are three main ways to serve documents: by **mail**, **personal delivery**, or **electronic service**. *Proof of Service—Criminal Record Clearing* (form CR-106) can be used to prove service by mail or personal delivery.

If serving electronically:

- Do not use *Proof of Service-Criminal Record Clearing* (form CR-106).
- Carefully read and follow the requirements in California Rules of Court, [rule 2.251](#), and use *Proof of Electronic Service* (form POS-050/EFS-050).

If someone else is serving documents on your behalf, make sure to provide them with the name of the agency that must be served (for example, San Francisco County District Attorney), the agency's address, and a copy of the document or form.

If serving by mail:

- The server should put one copy of the document or form in an envelope addressed to the agency, seal the envelope, and place first-class postage on the envelope; and
- The server should mail the document or form by depositing the envelope at a post office or mailbox or by depositing the envelope at an office or business mail drop where the server knows mail is picked up every day by the postal service.

If serving by personal delivery:

- The server should give the document or form to a person with the agency and note the name of the person, as well as the address, date, and time of the service.

Once the document or form has been served on the other parties by mail or personal delivery, the server should fill out and sign the proof of service form.

10 What do I do with *Proof of Service—Criminal Record Clearing* (form CR-106) once it is filled out?

You should file a completed proof of service with the court where you filed your document or form. Ask the court clerk if any local filing rules apply.

CR-106-INFO Information on How to File a Proof of Service in Criminal Record Clearing Requests

1 What does this information sheet cover?

This information sheet tells you how to use and fill out *Proof of Service—Criminal Record Clearing* form CR-106. This information sheet does not need to be copied, served (delivered), or filed.

2 What is proof of service?

- A “proof of service” is a form used in legal cases.
- If you want a judge to look at your case, you or someone who is helping you has to file certain documents in court.
- You also have to give or mail copies of those documents to the other party in the case, usually the prosecutor.
- The proof of service has spaces for you or someone who is helping you to write in when, where, and how the other party got the documents.
- Once the proof of service is filled out and filed with the court, it shows the court that the other party got the documents.

3 What is record clearing?

- Record clearing is a process that allows you to ask a court to improve your criminal record.
- For example, a court may be able to change some convictions from felonies to misdemeanors.
- You can start the process of record clearing by filing certain documents or forms called “applications,” “petitions,” or “motions.”

4 Who do I need to serve when I ask a court to clear my criminal record?

Most record clearing laws say you have to let the prosecuting agency (usually the district attorney) know about the record clearing request. Sometimes you also have to let law enforcement (like the police or sheriff) or other parties know about your request. You can do so by “serving” (delivering) a copy of the papers you filed with the court on the prosecuting agency or other parties. Read the record clearing law you are basing your request on carefully to see who needs to know about your record clearing request. Those are the parties who must be served.

5 Why do I need to file a proof of service?

Filing a proof of service shows the court that you have let the other parties know about the record clearing request by giving them a copy of the document or form you are using to make a record clearing request to the court.

6 When can I use *Proof of Service—Criminal Record Clearing* (form CR-106)?

Proof of Service—Criminal Record Clearing (form CR-106) is intended to be widely used with **any** record clearing request that requires notification or service of the request to the prosecuting agency and other parties, such as the following optional Judicial Council forms for record clearing:

- *Petition for Dismissal* (form CR-180), dismissals under Penal Code sections 1203.4, 1203.4a, 1203.41, 1203.42, 1203.43, and 1203.49, and reductions under Penal Code sections 17(b) and 17(d)(2)
- *Petition for Dismissal (Military Personnel)* (form CR-183), dismissals under Penal Code section 1170.9(h), and reductions under Penal Code section 17(b)
- *Motion to Vacate Conviction or Sentence* (form CR-187), vacating convictions under Penal Code sections 1016.5 and 1473.7
- *Petition/Application (Health and Safety Code, § 11361.8)* (form CR-400), relief under Proposition 64 for specified marijuana-related convictions
- *Petition/Application for Resentencing and Dismissal* (form CR-404), resentencing and dismissal under Penal Code section 1170.22
- *Petition to Seal Arrest and Related Records* (form CR-409), sealing under Penal Code section 851.91
- *Petition for Resentencing Based on Health Conditions From Military Service Listed in Penal Code Section 1170.91(b)* (form CR-412/MIL-412)
- *Petition for Writ of Habeas Corpus* (form HC-001)

