

ATTORNEY OR PARTY WITHOUT ATTORNEY: STATE BAR NO.: 138607 NAME: Dave Jake Schwartz FIRM NAME: DAVE JAKE SCHWARTZ, PC STREET ADDRESS: PO Box 5604 CITY: Santa Rosa STATE: CA ZIP CODE: 95402 TELEPHONE NO.: 707-480-3383 FAX NO.: 707-540-6056 E-MAIL ADDRESS: riverjake@comcast.net ATTORNEY FOR (name): C	FOR COURT USE ONLY FILED SUPERIOR COURT OF CALIFORNIA COUNTY OF SONOMA OCT 18 2013
PEOPLE OF THE STATE OF CALIFORNIA v. DEFENDANT: C DATE OF BIRTH: 4/28/1971	
ORDER FOR DISMISSAL (Pen. Code, §§ 17(b), 17(d)(2), 1203.4, 1203.4a, 1203.41, 1203.43, 1203.49)	CASE NUMBER: SCR-

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:

- The court **GRANTS** the petition for reduction of a felony to a misdemeanor (maximum punishment of 364 days per Pen. Code, § 18.5) under Penal Code section 17(b) and/or for reduction of a misdemeanor to an infraction under Penal Code section 17(d)(2) and reduces (*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*):
- 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*):
- 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*):
- 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*):



I HEREBY CERTIFY THAT THE WITHIN INSTRUMENT IS A FULL TRUE AND CORRECT COPY.

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SCR-1

5. In granting this order under the provisions of Penal Code section 1203.49, the court finds that the petitioner 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*):
6. If this order is granted under the provisions of Penal Code section 1203.4 or 1203.41,
- a. The petitioner is required to disclose the above conviction in response to any direct question contained in any questionnaire or application for public office, or for licensure by any state or local agency, or for contracting with the California State Lottery 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.



Date: 10/18/18

(JUDICIAL OFFICER)