

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, state bar number, and address)	(COURT USE ONLY)
SUPERIOR COURT OF CALIFORNIA, COUNTY OF	
PLAINTIFF PEOPLE OF THE STATE OF CALIFORNIA	
DEFENDANT	CASE NUMBER
<input type="checkbox"/> PETITION TO WITHDRAW DEJ PLEA UNDER P.C. § 1000 AND DISMISS COMPLAINT OR INFORMATION (PENAL CODE § 1203.43)	

Defendant was granted deferred entry of judgment on or after 01/01/1997 on the below charge or charges. The below charge or charges were dismissed pursuant to Penal Code Section 1000.3.

Code	Section
Code	Section
Code	Section

PETITION TO WITHDRAW PLEA OF GUILTY OR NOLO CONTENDERE AND DISMISS CHARGE OR CHARGES

Defendant completed the requirements for deferred entry of judgment and the charge or charges were dismissed pursuant to Penal Code section 1000.3. Defendant hereby petitions to have the plea of guilty or nolo contendere withdrawn, a plea of not guilty entered, and the charge or charges dismissed. A hearing is requested if the petition is opposed.

Court records are available showing the case resolution. [Optional] Court records showing a dismissal are attached.

Or

Court records are no longer available. Attached is a state summary of criminal history maintained by the CA Department of Justice that either shows that the defendant successfully completed the deferred entry of judgment program or that the record is incomplete in that it does not show a final disposition.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct to the best of my knowledge and belief, and that this petition is executed on (date) _____, 20_____.

Defendant or Attorney for Defendant

<p>DISTRICT ATTORNEY RESPONSE <i>(must be filed within 30 days of service of the petition)</i></p> <p><input type="checkbox"/> The District Attorney requests that the petition be GRANTED.</p> <p><input type="checkbox"/> The District Attorney requests that the petition be DENIED for the following reason(s):</p> <ul style="list-style-type: none"> <input type="checkbox"/> The court record does not show that the case was dismissed pursuant to Penal Code section 1000.3 <input type="checkbox"/> The court record is no longer available and the Defendant did not submit a summary of criminal history showing either that the defendant successfully completed the deferred entry of judgment program or that the record is incomplete in that it does not show a final disposition. 	(COURT USE ONLY)
--	------------------

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge and belief, and that this response is executed on (date) _____, 20_____.

_____ D# _____
Deputy / Assistant District Attorney

COURT ORDERS

The petition is DENIED.

The petition is GRANTED. Pursuant to Pen C § 1203.43 the plea of guilty or nolo contendere is withdrawn and the charge or charges are dismissed because the information given to the defendant pursuant to Pen C § 1000.4 “constitutes misinformation about the actual consequences of making a plea in the case” and “based on this misinformation and the potential harm, the defendant’s prior plea is invalid.”

Dated:

Judge of the Superior Court