

ATTORNEY OR PARTY WITHOUT ATTORNEY: _____ STATE BAR NO.: _____ NAME: _____ FIRM NAME: _____ STREET ADDRESS: _____ CITY: _____ STATE: _____ ZIP CODE: _____ TELEPHONE NO.: _____ FAX NO.: _____ E-MAIL ADDRESS: _____ ATTORNEY FOR (name): _____	<b>FOR COURT USE ONLY</b>
PEOPLE OF THE STATE OF CALIFORNIA v. DEFENDANT: _____ DATE OF BIRTH: _____	
<b>ORDER FOR DISMISSAL (Military Personnel)</b> <b>(Pen. Code, §§ 17(b), 1170.9(h))</b>	CASE NUMBER: _____

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

1.  The court deems all conditions of probation, other than victim restitution, to be satisfied, including fines, fees, assessments, and programs.
  
2.  The court terminates probation prior to the expiration of the term of probation, if the term of probation has not yet expired.
  
3. 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 reduces the following felony convictions to misdemeanors:
  - ALL FELONY CONVICTIONS in the above-entitled action; or
  - Only the following felony convictions in the above-entitled action (*specify charges and date of conviction*):
  
4. The court **DENIES** the petition for reduction of a felony to a misdemeanor under Penal Code section 17(b) for the following felony convictions:
  - ALL FELONY CONVICTIONS in the above-entitled action; or
  - Only the following felony convictions in the above-entitled action (*specify charges and date of conviction*):
  
5. The court **GRANTS** the petition for dismissal regarding the following felony convictions in accordance with Penal Code section 1203.4, as specified in Penal Code section 1170.9(h)(3)(C), and it is ordered that the pleas, verdicts, or findings of guilt be set aside and vacated and a plea of not guilty be entered and that the complaint be, and is hereby, dismissed:
  - ALL FELONY CONVICTIONS in the above-entitled action; or
  - Only the following felony convictions in the above-entitled action (*specify charges and date of conviction*):
  
6. The court **DENIES** the petition for dismissal regarding the following felony convictions under Penal Code section 1170.9(h):
  - ALL FELONY CONVICTIONS in the above-entitled action; or
  - Only the following felony convictions in the above-entitled action (*specify charges and date of conviction*):

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- 7.  The court ORDERS, in accordance with Penal Code section 1170.9(h)(4)(D), the sealing of police records of the arrest and court records of the dismissed action, hereafter viewable by the public only in accordance with a court order.
  
- 8.  The court ORDERS that the Department of Justice be notified of the sealing order.
  
- 9. If this order is granted under the provisions of Penal Code section 1170.9(h):
  - a. The petitioner is released from all penalties and disabilities resulting from the offense(s) of which he or she has been convicted in the dismissed action.
  - b. Dismissal of the conviction does not *automatically* relieve a person from the requirement to register as a sex offender under Penal Code section 290. (See, e.g., Pen. Code, § 290.5.)
  - c. The petitioner is not obligated to disclose the arrest on the dismissed action, or the conviction that was set aside when information concerning prior arrests or convictions is requested to be given under oath, affirmation, or otherwise, except when he or she is required to disclose the arrest, the conviction that was set aside, and the dismissed action in response to any direct question contained in any questionnaire or application for any law enforcement position.
  - d. The dismissal of the action shall be a bar to any future action based on the conduct charged in the dismissed action.
  - e. In any subsequent prosecution for any other offense, a conviction that was set aside in the dismissed action may be pleaded and proved as a prior conviction and shall have the same effect as if the dismissal had not been granted.
  - f. A conviction that was set aside in the dismissed action may be considered a conviction for the purpose of administratively revoking or suspending or otherwise limiting the petitioner's driving privilege on the ground of two or more convictions.
  - g. The petitioner's DNA sample and profile in the DNA data bank shall not be removed by a dismissal.
  - h. Dismissal of an accusation, information, or conviction does not authorize a petitioner to own, possess, or have in his or her custody or control any firearm or prevent his or her conviction pursuant to Chapter 2 (commencing with Section 29800) of Division 9 of Title 4 of Part 6.
  
- 10. In addition, as required by Penal Code section 299(f), relief under Penal Code sections 17(b) or 1170.9(h) 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 he or she 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).

*FOR COURT USE ONLY*

Date:

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(JUDICIAL OFFICER)