

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):	FOR COURT USE ONLY <div style="text-align: center; font-size: 2em; font-weight: bold;">FILED</div> <div style="text-align: center; font-size: 1.5em; font-weight: bold;">FEB 08 2019</div> <div style="text-align: center;">CLERK OF MENUDOING COUNTY</div>
PEOPLE OF THE STATE OF CALIFORNIA v. DEFENDANT: DATE OF BIRTH:	CASE NUMBER: MCKUCRTR-15C
ORDER FOR DISMISSAL (Pen. Code, §§ 17(b), 17(d)(2), 1203.4, 1203.4a, 1203.41, 1203.43, 1203.49)	

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:

1. 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*):

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 of judgment in the above-entitled action (*specify charges and date of conviction or plea for deferred entry of judgment*):

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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.

FOR COURT USE ONLY

Date: 2.8.19

(JUDICIAL OFFICER)

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SUPERIOR COURT OF CALIFORNIA, COUNTY OF MENDOCINO
CLERK'S DOCKET & MINUTES

Clerk: _____
Court Reporter: ecm

Judge: _____
Bailiff: _____

THE PEOPLE OF THE STATE OF CALIFORNIA,
Plaintiff,

APPEARANCES:

D.A. _____
P.G. _____
ATTY PD/APD _____ APPT'D []
INTERPRETER: _____
Language: _____ [] Sworn [] Cert/Reg
CASE# MCLK-CRTR-2015

vs.

Defendant.

Present In Custody Remanded Not Present Cash/Bond Posted/Forf.

DATE: 02/08/2019 TIME: 9:00 COURTROOM: A MATTER: EXPUNGEMENT HEARING

1	VC	23152(E)	M	UNDER INFLUENCE	04/20/2015	AMD
1	VC	23103.5	M	RECKLESS DRIVING WIT	04/20/2015	P03
4	VC	23593(A)	M	DUI VIOL ADV MUR/ADV	04/20/2015	P03
5	PC	1463.07(25)		PTR SCREENING FEE	04/20/2015	ADM
6	PC	1202.4	M	STATE VICTIMS RESTUT	04/20/2015	ADM

CONTINUANCES: TO _____ FOR _____ Constitutional & Statutory Time

Defendant ordered present.
 Time Waived 122
 Time Not Waived. NTW

Bench Warrant \$ _____ Issued Held Recalled Warrant remains active. Forfeitable
 No O.R. No Recall/Request to Calendar No Cite to Release DA to file Aff. support of warrant.

VIOLATION OF PROBATION/DIVERSION:

Defendant arraigned as to VOP and advised of rights. Defendant waives arraignment 977 waiver filed
TDE PD re-appointed _____ ALT Alt PD re-appointed _____ APC Private Counsel re-appointed _____
 Arraignment and advisement of Constitutional Rights waived.
 Counsel/Defendant handed copy of petition/discovery.

VOP found based on: _____
 Defendant enters admission to all allegation(s) in Petition filed _____

Defendant admits the following allegation(s):
 Defendant denies allegation(s). 1203.4 order granted - signed +
 Defendant advised of, understands and knowingly, and voluntarily waives all the following rights to: an attorney, a hearing; confront and cross-examine witnesses against him; subpoena witnesses and present evidence in own behalf; avoid self-incrimination, immigration consequences

Referred to Probation Department for supplemental report and recommendation.

IT IS SO ORDERED for JUDGMENT/SENTENCE/COMMITMENT:

Probation/Diversion is Revoked permanently/subject to hearing Reinstated same terms & conditions
 Terminated upon completion of jail time Extended to: _____
 Modified _____
 Def to serve _____ days/hours in Mendocino County Jail with credit for _____ days/hrs served
 Work Release/Furlough authorized Day for day credit authorized
 Sentence to be served consecutively concurrently to _____
_____ days suspended. Stay of execution granted until _____ by _____ and _____
defendant is ordered to surrender to Sheriff at that time in a clean and sober condition.

Defendant is sentenced pursuant to PC § 1170(h)(1) or (2) Mendocino County Jail (Local Prison)

PC § 1170(a) or (h)(3) or excluded from AB109 enactment STATE PRISON (Abstract to issue)

for _____ the lower mid upper term; TOTAL: _____ Yrs & _____ Mos. (See Below)

CT/SA: _____ CT/SA: _____
 CT/SA: _____ CT/SA: _____
 CT/SA: _____ CT/SA: _____

All previously ordered fines, fees and assessments remain as ordered.
That defendant pay \$ _____ Restitution Fine per PC 1202.44 as imposed (prev stayed pending parole/prob revoc).
That defendant pay \$ _____ Restitution Fine per PC 1202.45 as imposed (prev. w/held by CDC per to PC2085.5).
 Defendant is remanded into the custody of the Sheriff. Sentence may be served in any penal institution.
 Sheriff is directed to deliver defendant forthwith into the custody of the Department of Corrections at:
 San Quentin Chowchilla

Defendant is advised of parole consequences and appeal rights.
 Def is given credit for _____ actual days served + _____ days good/work time(4018/2933.1PC) = _____ days total.
158 COMMUNITY SERVICE; Perform _____ hours In lieu of fine _____ Enroll w/MLAS by _____

Defendant re-referred to _____
 Defendant is ordered to surrender, in a clean and sober condition, to the Mendocino County Jail, located at
951 Low Gap Road, Ukiah, California on _____ at _____ o'clock.

DA to submit Termination Order for 136.2 Protective Order.

CUSTODIAL STATUS:

Defendant ordered released O.R. Granted O.R. Revoked Def to remain free on bail
 Bail set/ reduced \$ _____
 Def. to contact Probation forthwith/immediately upon release.
 Bail exonerated Bail forfeited Bail forfeiture set aside Bail Bond reinstated
 B/B to be exonerated/reinstated upon payment of \$150 assessment

Copy delivered to Sheriff on _____, Clerk