



**THIS IS IMPORTANT INFORMATION. Please read carefully. It is recommended that you keep this as a reference because it will answer many of the questions you may have.**

**RECORD CLEARANCE**

**NOTICE TO DEFENDANTS**

**You must provide ALL the information requested on the application OR IT WILL BE RETURNED. If you do not know the docket number, please contact the Santa Clara County Sheriff's Office or the sentencing Court.**

**ELIGIBILITY FOR A RECORD CLEARANCE:**

With the exceptions below, California State law permits you to withdraw your plea of guilty or Nolo Contendere and set aside the verdict of guilty if one of the following is true:

- a. You were placed on Court probation or formal probation; you completed probation or were granted early termination; and either (1) you fulfilled the conditions of probation for the entire probationary period, (2) you were granted early termination of probation, or (3) the court determines it would be in the interests of justice to clear your record.
- b. You were convicted of a misdemeanor or infraction, but were not placed on probation or committed to State Prison; one year has passed since judgment; you have completed the sentence of the Court; and either you have obeyed the law for one year after judgment or the court determines it would be in the interests of justice to clear your record.
- c. You were convicted of a felony and sentenced to county jail with or without mandatory supervision; one year has passed since completion of mandatory supervision, or two years have passed since completion of your jail sentence if mandatory supervision was not imposed; and the court determines it would be in the interests of justice to clear your record.
- d. You were granted deferred entry of judgment on or after January 1, 1997; you performed satisfactorily during the period in which deferred entry of judgment was granted; and your criminal charges were dismissed.

**INELIGIBILITY:**

You are ineligible for a Record Clearance for convictions described in (a), (b), or (c) above if any of the following conditions exist:

- a. You are still on Court or Formal Probation, under mandatory supervision, or in a Diversion program.
- b. You are serving a sentence or have a criminal charge pending, or there is an outstanding warrant for your arrest for a criminal charge.
- c. You were committed to State Prison or the California Youth Authority for the conviction you want to clear.

**NOTE:** The following convictions are **NOT** clearable under the law: a conviction for any Vehicle Code infraction; for failing to stop and submit to an inspection under Sections 2800, 2801, or 2803 of the Vehicle Code; for Sections 286(c), 288, 288a(c), 288.5, 289(j), 311.1, 311.2, 311.3, 311.11 of the Penal Code; or a Felony conviction pursuant to 261.5(d) of the Penal Code.

**YOUR ARREST REMAINS ON RECORD**

A Record Clearance does not release you from all penalties and disabilities resulting from the charges in your case. The Record Clearance process will **NOT** clear your record from the system. It will change the disposition of your record from conviction to dismissal if granted.

After a clearance has been granted, information relating to your case(s) may be made available where the release is authorized by local, state, or federal law. Further, an order of dismissal pursuant to Section 1203.4 of the Penal Code does not relieve you of the obligation to disclose the conviction in response to direct questions 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. Questions about what information you must disclose in response to any inquiry about any conviction for which you receive a record clearance should be directed to an attorney licensed to practice law in California.

Dismissal will not keep the charge from being alleged against you as a prior conviction in any future proceedings. It also will not serve to avoid suspension of your driving privilege as set forth in Section 13555 of the Vehicle Code, nor will it permit you to own, possess, or have control or custody of a firearm or prevent convictions under Section 12021 of the Penal Code.

Your application will be processed by the Probation Department when received. **PLEASE ALLOW AT LEAST 30 DAYS FOR PROCESSING BY THE PROBATION DEPARTMENT AND AN ADDITIONAL 60 DAYS FOR PROCESSING BY THE COURT.** You will be notified by mail as to whether your Record Clearance request was granted or denied. If you have any further questions, please contact the Record Clearance Desk at (408) 435-2073:

- 1. If you or your attorney want to be notified of the 1203.4/1203.41 PC hearing date (felony cases only), please submit a written request along with the Record Clearance application. Also include a self-addressed stamped envelope.
- 2. **You may qualify to have a Public Defender assist you with these matters. Contact (408) 299-7700 for assistance.**
- 3. For additional information regarding probation services, or to obtain additional Record Clearance applications log onto [www.sccprobation.org](http://www.sccprobation.org).

**RECORD CLEARANCE APPLICATION**

To apply for a Record Clearance pursuant to PC Section 1203.4 (Court or Formal Probation case), 1203.4a (Misdemeanor/Infraction without Probation), 1203.41 (Felony Jail Sentence with or without Mandatory Supervision), or 1203.43 (Deferred Entry of Judgment cases), complete and send this application to:

**County of Santa Clara  
Adult Probation Department  
Record Clearance Section  
2314 North First Street  
San Jose, California 95131**

**Incomplete applications will be returned**

*PLEASE PRINT CLEARLY OR TYPE*

*Official use only*

NAME: \_\_\_\_\_  
FIRST MIDDLE LAST

AKA (other names used/arrested by): \_\_\_\_\_

MAILING ADDRESS: \_\_\_\_\_ Apt# \_\_\_\_\_

CITY: \_\_\_\_\_ STATE: \_\_\_\_\_ ZIP: \_\_\_\_\_

DAYTIME PHONE: \_\_\_\_\_ BIRTH DATE: \_\_\_\_\_

DRIVER'S LICENSE: \_\_\_\_\_ SOCIAL SECURITY #: \_\_\_\_\_

(If you do not have a Driver's License, please provide your ID #, if application)

**CASES WITH CHARGES TO BE CLEARED**

If you do not know your Case Number(s) this information may be obtained from the Court where you were sentenced, the County Sheriff's Office or from the California Department of Justice. If you reside outside the State of California, a printout of your Driving Record must be attached to your application for processing.

- 1. Court Case # \_\_\_\_\_ Sentencing Date: \_\_\_\_\_ Offense(s): \_\_\_\_\_
- 2. Court Case # \_\_\_\_\_ Sentencing Date: \_\_\_\_\_ Offense(s): \_\_\_\_\_
- 3. Court Case # \_\_\_\_\_ Sentencing Date: \_\_\_\_\_ Offense(s): \_\_\_\_\_
- 4. Court Case # \_\_\_\_\_ Sentencing Date: \_\_\_\_\_ Offense(s): \_\_\_\_\_
- 5. Court Case # \_\_\_\_\_ Sentencing Date: \_\_\_\_\_ Offense(s): \_\_\_\_\_

Please use the reverse side of this paper if you need more space.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

**OFFICIAL USE ONLY**

PFN: \_\_\_\_\_ CASE FILE:  NONE  ATTACHED

Received: \_\_\_\_\_

Re-process: \_\_\_\_\_

**ONLY ORIGINAL APPLICATIONS WILL BE PROCESSED – (DO NOT SEND DUPLICATES)**

**REDUCTION APPLICATION**

**(NO FEE REQUIRED)**

To apply for a Reduction from a Felony to a Misdemeanor pursuant to Section 17 for the Penal Code, complete and return this application to:

County of Santa Clara Adult Probation Department  
Record Clearance Section  
2314 North First Street  
San Jose, California 95131

**Incomplete application will be returned.**

*PLEASE PRINT CLEARLY OR TYPE*

*OFFICIAL USE ONLY*

NAME:

AKA (other names used/arrested by):

MAILING ADDRESS:

APT#:

CITY:

STATE:

ZIP:

DAYTIME PHONE:

DATE OF BIRTH:

DRIVER'S LICENSE/ID #:

SOCIAL SECURITY #:

Please submit a typewritten response to the following questions:

1. Why do you need a reduction?
2. Where have you resided during the last 2 years?
3. What is your present job? (If less than 2 years, what types of jobs have you had?)
4. What is your family status? (Married, Divorced, etc.)
5. Please submit other information you feel would help the Court make a decision regarding your request.

**CASES WITH CHARGES TO BE REDUCED**

If you do not know your Case Number(s) this information may be obtained from the Court where you were sentenced, the County Sheriff's Office or from the California Department of Justice. If you reside outside the State of California, a printout of your Driving Record must be attached to your application for processing.

1	<b>Municipal Courts</b>					
<input type="checkbox"/> Superior Court	<input type="checkbox"/> Gilroy	<input type="checkbox"/> Los Gatos	<input type="checkbox"/> Palo Alto	<input type="checkbox"/> San Jose	<input type="checkbox"/> Santa Clara	<input type="checkbox"/> Sunnyvale
Court Case #:		Sentencing Date:		Offense(s):		

2	<b>Municipal Courts</b>					
<input type="checkbox"/> Superior Court	<input type="checkbox"/> Gilroy	<input type="checkbox"/> Los Gatos	<input type="checkbox"/> Palo Alto	<input type="checkbox"/> San Jose	<input type="checkbox"/> Santa Clara	<input type="checkbox"/> Sunnyvale
Court Case #:		Sentencing Date:		Offense(s):		

3	<b>Municipal Courts</b>					
<input type="checkbox"/> Superior Court	<input type="checkbox"/> Gilroy	<input type="checkbox"/> Los Gatos	<input type="checkbox"/> Palo Alto	<input type="checkbox"/> San Jose	<input type="checkbox"/> Santa Clara	<input type="checkbox"/> Sunnyvale
Court Case #:		Sentencing Date:		Offense(s):		

Please use the reverse side of this paper if you need more space.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

**OFFICIAL USE ONLY**

PFN: \_\_\_\_\_

CASE FILE:  NONE  ATTACHED

Received: \_\_\_\_\_

Re-process: \_\_\_\_\_

**ONLY ORIGINAL APPLICATIONS WILL BE PROCESSED – (DO NOT SEND DUPLICATES)**