

**SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF X**

THE PEOPLE OF THE STATE OF CALIFORNIA,)

Respondent,)

v.)

[CL full name],)
Petitioner.)

Arrest(s) and/or adjudications and/or conviction(s))
in the name of:)

[CL aliases per DOJ report])

SEALED PER COURT ORDER

**[PROPOSED]
STIPULATION TO GRANT
RELIEF PURSUANT TO CAL.
PENAL CODE § 236.14 OR, IN THE
ALTERNATIVE, § 236.15;
[PROPOSED] ORDER**

CASE #: _____

Related Case and Arrest Nos:
County: Case No. for arrest and/or
conviction

DOB:
CII No.:

Stipulation to Grant Vacatur Petition

Petitioner, [CL initials], filed a petition to vacate, seal, and destroy arrest and conviction records pursuant to Penal Code section 236.14 or, in the alternative, section 236.15, pertaining to the county cases listed in the table below, which were prosecuted by the Office(s). The petition is unopposed by the [County District Attorney and/or City Attorney]. Along with the Petitioner, the People of the State of California in the [County/City], by and through their respective counsel, stipulate to the granting of the petition.

Signature:

Tables of Arrests, Adjudications and Convictions

COUNTY

Offense/Arrest Date	Arrest Offense / count	Arresting Agency	Sheriff's Booking No.	Prosec. Agency	Court Case No.	Convicted Offense / count
	01: 02:					01: 02:

COURT ORDER

The Petition is granted and the court makes the following findings and orders:

Based on the petition for and declaration in support of relief under Penal Code section 236.14 and/or section 236.15 and the supplemental documents submitted to the Court and to be returned to Petitioner, **the Court makes the following findings** for each of the arrest(s), conviction(s), and/or adjudication(s) listed in the table above:

- 1) That the Petitioner was a victim of human trafficking, intimate partner and/or sexual violence at the time the qualifying crime(s) were committed.
- 2) The commission of the crime(s) were a direct result of the Petitioner being a victim of human trafficking, intimate partner and/or sexual violence.
- 3) Given that the commission of the crimes were a direct result of the Petitioner being a victim of human trafficking, intimate partner and/or sexual violence, Petitioner lacked the requisite intent to commit the offense. Accordingly, the arrest(s), conviction(s), and/or adjudication(s) are legally invalid due to legal defect at the time of the arrest or conviction.
- 4) Because the arrest(s), conviction(s), and or adjudication(s) are legally invalid, it is in the best interest of the Petitioner and in the interests of justice to vacate the arrest(s), conviction(s), and/or adjudication(s).
- 5) Because of the grounds of legal invalidity established above, the court grants the Petitioner's request to vacate the arrest(s), conviction(s), and/or adjudication(s).

It is hereby ordered for each arrest and offense listed in the table above:

- 1) All court fines, fees, or other costs are removed. Any CR-110/ JV-790s shall be sealed and destroyed. The clerk of the Court shall notify the Department of Revenue and

Recovery, the Franchise Tax Board, and any civil collection agency (such as Alliance One) of this order.

- 2) Notwithstanding any other law, a Petitioner may lawfully deny or refuse to acknowledge an arrest, conviction, and/or adjudication that is vacated pursuant to this order. The Petitioner may hereafter state that she was not arrested, adjudicated or convicted of any vacated charge.
- 3) Notwithstanding any other law, the records of the arrest, conviction, or adjudication shall not be distributed to any state licensing board.
- 4) Notwithstanding the vacatur and sealing pursuant to this statute, courts shall retain jurisdiction over these matters for the purposes of later post-conviction motions and petitions including, but not limited to, e.g., Penal Code sections 1203.4, 17(b), 1473.7.

Pursuant to sections 236.14 and 236.15 subdivisions (e) and in accordance with the stipulations above, **it is hereby further ordered** that the Clerks of the superior courts in this county that possess any record of the charge(s), conviction(s) and/or adjudication(s) vacated by this order shall destroy all related records.

The Superior Court Clerk of [Named] County

According to sections 236.14 and 236.15, subdivisions (k), (h), and (t)(2), as well as the Court’s authority under subdivisions (r), **it is hereby further ordered** that for each arrest, conviction, and/or adjudication listed in the tables on page(s) X, the following designated entities shall complete the steps specified below:

the arresting agency(ies), the Department of Justice, the Los Angeles County Sheriff’s Department, the Los Angeles County Department of Probation, the California Department of Corrections and Rehabilitation, the California Department of Corrections and Rehabilitation Department of Parole, the District Attorney’s Office, and _____

- 1) Seal **all records** of any vacated arrests, convictions, and/or adjudication(s) including but not limited to any reports, fingerprints, and booking information, to be completed either one year from the date of the arrest(s)/adjudication(s)/conviction(s), or 90 days after this order was granted, whichever occurs later, and;
- 2) Seal **this court order** within one year from the date of the arrest(s), conviction(s), and/or adjudication(s) or 90 days after this order was granted, whichever occurs later;
- 3) After sealing, **destroy all records and this court order**, along with any record thereof, within one year of this court order.
- 4) No later than 90 days from the date of this **order**, each entity designated above must e-mail (or mail) all the below listed counsel to confirm and verify compliance with this order.

XXXXXXXXXXXXXXXXXXXX
Email Address: XXXXXXXXXXXXXXXXXXXX

Mailing Address:

District Attorney's name

Email address:

Mail Address:

City Attorney's name

Email Address:

Mailing Address:

It is hereby further ordered that the California Department of Justice destroy Petitioner's DNA sample and expunge Petitioner's searchable DNA database profile.

It is hereby further ordered that the California Department of Justice notify the Federal Bureau of Investigations within thirty days of receipt of this order to update Petitioner's Identity History Summary to comply with this order.

It is hereby further ordered:

The Clerk of the Court is hereby ordered to:

(1) Distribute a certified copy of **this order** to the following agencies:

- All arresting agency(ies) listed in the table on page(s) __ of this order
- All prosecutorial agencies listed in the table on page(s) __ of this order
- _____ County Sheriff's Department
- _____ County Department of Probation
- The California Department of Corrections and Rehabilitation
- The California Department of Corrections and Rehabilitation Department of Parole
- California Department of Justice
- Department of Justice CAL-DNA Data Bank Program
- _____

(2) Provide the Petitioner **five certified copies** of this court order concerning the destruction of the records without cost to the Petitioner.

(3) Provide the Petitioner and Petitioner's counsel copies of any form that this court submits to any agency, including the Department of Justice, related to the sealing and destruction of the arrest(s), conviction(s), and/or adjudication(s) record(s).

Date: _____

Judge of the Superior Court