

**Information and Instructions for Petition for Expungement of DNA Profiles and Samples:**

NOTE: Clerks cannot advise or render assistance in the completion of this petition.

**Pursuant to Penal Code § 299 (c)(1): The person requesting the data bank entry to be expunged must send a copy of his or her request to the trial court of the county where the arrest occurred, or that entered the conviction, or rendered the disposition in the case, to the DNA Laboratory of the Department of Justice, and to the prosecuting agency of the county in which he or she was arrested, or convicted or adjudicated, with proof of service on all parties. The court has the discretion to grant or deny the request for expungement. *The denial of a request for expungement is a nonappealable order and shall not be reviewed by petition for writ.***

1. Complete the **Petition for Expungement of DNA Profiles and Samples (Pen. Code, § 299) form CR-185/JV-796** and the top portion of the **Order for Expungement of DNA Profiles and Samples (Pen. Code, § 299) form CR-186/JV-798** (*Incomplete forms will not be filed and will be returned for correction.*)
2. Prior to filing your petition, you must contact the clerk's office to obtain a tentative hearing date. For Madera Criminal Cases contact the Madera Superior Court Calendar Division at 559-416-5540.
3. Place the hearing date on page one of your petition and make 3 copies of the petition and order for filing.
4. The original petition and 3 copies of the petition and order must be filed at the clerk's office at least 180 days prior to your hearing date. (1 copy for you, 1 copy for DA, 1 copy for DOJ)
  - a. **The hearing date will not be set on the Court's Calendar until the documents are filed.**
  - b. Madera county criminal cases are to be filed at the Criminal Division (2<sup>nd</sup> floor) of the Madera Superior Court – 200 South G Street, Madera, CA 93637.
5. A conformed copy of the petition must be served upon the offices of the District Attorney and the DNA Laboratory of the California Department of Justice.
  - a. Service may be affected by mail or personal delivery.
    - i. Personal Service must be affected by someone other than yourself and by someone who is 18 years of age or older.
  - b. The address to the two agencies are as follows:

**Madera County District Attorney  
209 W. Yosemite Avenue  
Madera, CA 93637**

**Department of Justice  
Jan Bashinski DNA Laboratory  
CAL-DNA Data Bank Program  
1001 West. Cutting Blvd, Ste. 110  
Richmond, CA 94804  
Attn: Linton von Beroldingen**

6. When Service has been affected upon the agencies a Proof of Service must be filed with the Court. A Proof of Service form is included in this packet (Local Form MAD-CRM-021).
7. You must be either personally present or represented by counsel at the hearing date or your request may be denied or taken off calendar.
8. After attending the hearing, if the Court granted your petition, you will be mailed two certified copies of the **Order for Expungement of DNA Profiles and Samples (Pen. Code, § 299)**. It is your responsibility to forward a certified copy to the California Department of Justice at the following address:

**Department of Justice  
Jan Bashinski DNA Laboratory  
CAL-DNA Data Bank Program  
1001 West. Cutting Blvd, Ste. 110  
Richmond, CA 94804  
Attn: Linton von Beroldingen**