

Superior Court of California County of Madera

INSTRUCTIONS ON NOTICE OF PETITION AND PETITION FOR RELIEF UNDER PENAL CODE §1210(e)(1)

Dismissal of Charges upon Successful Completion of Drug Treatment under Proposition 36

If you were placed on probation under Penal Code 1210.1(a) (Proposition 36) and have completed drug treatment, you may be entitled to have the charges dismissed. To obtain dismissal of charges, you must prove the following to the satisfaction of a judge at a hearing:

- You have successfully completed drug treatment,
- You have substantially complied with the conditions of probation, and
- There is reasonable cause to believe that you will **not** abuse controlled substances in the future. (See Penal Code 1210(e)(1))

To obtain the requested relief, you must do the following:

Get the forms. You will need “*Notice of Petition and Petition for Relief Pursuant to Penal Code §1210(e)(1)*” (Local Form MAD-CRM-008), “*Proof of Service – Notice of Petition and Petition for Relief Under Penal Code §1210(e)(1)*” (Local Form MAD-CRM-024) and “*Order Dismissing Accusation Against Probationer Pursuant to Penal Code §1210(e)(1)*” (Local Form MAD-CRM-011). Forms are available from the clerk or online at <http://www.madera.courts.ca.gov/MaderaPackets.htm>.

1. **Complete the forms.** Complete the “Notice of Petition and Petition for Relief (MAD-CRM-008), and “Proof of Service” (MAD-CRM-024) in their entirety. Complete the top portion only of the “Order Dismissing Accusation” (MAD-CRM-011) form. Type the forms or print legibly in black ink.
2. **Make copies of the forms.** You must make three copies of the originals. One copy is for you; another copy for the Probation Department; and one copy for the District Attorney. The original is for the court.
3. **File the forms.** File the forms in the Criminal Division, located on the 2nd Floor of the Madera Superior Court – 200 South G Street, Madera, CA.
4. **Deliver a copy of the Petition.** Have someone (NOT you) serve/deliver to the Probation Department and to the District Attorney a copy of your filed *Notice of Petition and Petition for Relief Pursuant to Penal Code §1210(e)(1)*” (MAD-CRM-008).
5. **File your Proof of Service.** Have your server fill out your *Proof of Service – Notice of Petition and Petition for Relief Under Penal Code §1210(e)(1)* (Local Form MAD-CRM-024). You will need one copy of your Proof of Service. Take both the original and copy to file with the clerk, the clerk will return the copy to you for your records.
6. **Mark your calendar.** As a general rule, hearings will be set at least 28 calendar days after the date of filing of the Petition to allow time for the requisite records check by the Probation Department. The hearing date and time will be set by the Criminal processing clerks.
7. **Attend the hearing.** The court will review your petition and determine whether it is appropriate to dismiss the charges.
8. **Be advised.** The relief granted by this law does not seal, destroy, or remove any entries from your record, but is a termination of your probation and a dismissal of the charges and convictions against you. You are released from all penalties and disabilities resulting from the conviction of the above-named offense, EXCEPT:
 - This relief does not permit you to own, possess, or have in your custody or control any firearm capable of being concealed upon your person and will not prevent a conviction under Penal Code 12021.
 - This relief does not relieve you of the obligation to disclose the arrest and conviction in response to any direct question contained in any questionnaire or application for public office, for a position as a peace officer as defined in Section 830, for licensure by any state or local agency, for contracting with the California State Lottery, or for purposes of serving on a jury.