

ATTORNEY OR PARTY WITHOUT AN ATTORNEY (Name, State Bar number, and address):   TELEPHONE NO: _____ FAX NO. (Optional) _____ EMAIL ADDRESS (Optional): _____ ATTORNEY FOR (Name): _____	FOR COURT USE ONLY
<b>SUPERIOR COURT OF CALIFORNIA COUNTY OF SANTA CRUZ</b> 701 Ocean Street, Room 120 Santa Cruz, CA 95060	
THE PEOPLE OF THE STATE OF CALIFORNIA: vs. DEFENDANT:	
<b>PETITION TO SEAL ARREST RECORDS</b> Penal Code §§ 851.8, 851.91	CASE NUMBER:

1. Fill in the information relating to the arrest. All fields are required.

Last	First	Middle
Name:		
Date of Birth:	Driver's License No:	
Date of Arrest:	Arresting Agency:	
Booking No:	Arresting Agency Case No:	
Place of Arrest (City & County):	Charges:	

**Complete either item 2 or 3 (not both) based on why you are asking the Court to seal the arrest records.**

2.  Petitioner requests the Court order the sealing and destruction of the record of arrest under Penal Code §851.8 (Factual Innocence)
- A.  No complaint was filed. Petitioner has previously petitioned the arresting agency by filing the Department of Justice form BCIA 8270:
1.  The petition was denied on: \_\_\_\_\_. A copy is attached.
2.  It has been over 60 days and I have not received a response to my petition dated: \_\_\_\_\_ . A copy is attached.
- a.  The copy is stamped received by both agencies to show date of delivery.
- b.  A completed Proof of Service is attached.
- B.  A complaint was filed on \_\_\_\_\_. The case was dismissed on \_\_\_\_\_.
- C.  Petitioner requests relief from the two year time restriction (Penal Code 851.8(I)) because:  
\_\_\_\_\_
- D. No reasonable cause exists to believe that the Petitioner committed the offense for which the arrest was made. Attached is a statement of facts and supporting documentation, if any, showing factual innocence.

3.  Petitioner requests the Court order the sealing of the record of arrest under §851.91
- A.  No complaint was filed AND the statute of limitations has run on every possible offense upon which the arrest was based.
  - B.  A complaint was filed but one of more of the following has occurred:
    - 1.  No conviction occurred, the case has been dismissed, and charges may not be refilled.
    - 2.  No conviction occurred and defendant has been acquitted of all charges.
    - 3.  A conviction occurred but has been vacated or reversed on appeal, all appellate remedies have been exhausted and charges may not be refilled.
  - C.  Petitioner is entitled to have his or her arrest sealed as a matter of right.
  - D.  Petitioner requests the arrest be sealed in the interests of justice. Petitioner’s arrest was for one of the following and the petitioner’s record demonstrates a pattern of arrests or convictions for:
    - 1.  Domestic Violence
    - 2.  Child Abuse
    - 3.  Elder Abuse

Petitioner must attach a statement as to how the interests of justice would be served by granting the petition. Declarations made directly and verified by the petitioner, his or her supporting declarants or both may be attached.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date:

\_\_\_\_\_  
Print Name of Petitioner

\_\_\_\_\_  
Signature

Date:

\_\_\_\_\_  
Print name of Attorney for Petitioner

\_\_\_\_\_  
Signature

**VERIFICATION**

I am the petitioner in this proceeding and have read the petition. I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date:

\_\_\_\_\_  
Print Name of Petitioner

\_\_\_\_\_  
Signature