

Criminal Record Relief Clinic

Empowering justice-involved youth
to pursue post-conviction relief

Originally presented on
January 29, 2021
(10:00am – 11:30am)

Hosted in partnership by the San Diego County District Attorney's Office,
San Diego County Public Defender's Office, California Community Colleges,
San Diego County Office of Education, San Diego Continuing Education, and Grossmont-Cuyamaca College.



Criminal Record Relief



COUNTY OF SAN DIEGO
OFFICE OF THE DISTRICT ATTORNEY
OFFICE OF THE PUBLIC DEFENDER



Types of Conviction Relief: The List Grows & Grows . . .



- ▶ Expungement (Dismissal) of Criminal Convictions
- ▶ Prop. 47 Relief (Reclassifying Certain Low-Level Felonies to Misdemeanors)
- ▶ Prop. 64 Relief (Reclassifying Certain Marijuana Crimes)
- ▶ Motions to Reduce Felony Convictions to Misdemeanors
- ▶ Motions for Early Termination of Probation
- ▶ Human Trafficking Victim Conviction Relief
- ▶ Sealing Adult Arrest Records
- ▶ Sealing Adult Arrest Records for the Factually Innocent
- ▶ Certificates of Rehabilitation/Gubernatorial Pardons
- ▶ PC290 Sex Offender Registration Relief
- ▶ Correcting Errors in Department of Justice Criminal History Records
- ▶ DNA Database Expungement
- ▶ Gang Documentation Relief
- ▶ Dismissal Petitions for Successful PC1000 Participants with Collateral Consequences per PC1203.43
- ▶ Fire Camp Participant Dismissal

**What's in
your record?**



**CRIMINAL
RECORD**

Early Termination of Probation



**What are
your Goals?**

- ✓ Served at least ½ your probationary time
- ✓ Completed all the classes/programs/volunteer work/public work service
- ✓ Paid off the fines & restitution
- ✓ Have a compelling need to be off probation

Early Termination of Probation



★ AB1950
(1/1/21)

Most felonies:
now 2 yrs. probation

Most misdemeanors:
now 1 yr. probation

Doesn't apply to DUI's, DV
cases, and a few other types

Expungement (Dismissal) of Criminal Convictions

- ❑ What does it do? "Limited Dismissal"
- ❑ Changes on the horizon????
- ❑ What convictions can be dismissed?
 - ❑ Infractions (but not things like speeding tickets, running red light, etc.)
 - ❑ Almost all misdemeanors (some sex offenses excluded)
 - ❑ Most felony convictions
 - ❑ Some sex offenses excluded
 - ❑ Felonies w/ probation or local prison sentences
 - ❑ If served state prison sentence for the case talk to a lawyer!
- ❑ Who is not yet legally eligible?
 - ❑ Currently on probation, mandatory supervision, PRCS, or parole (unless fire camp expungement)
 - ❑ Pending charges or warrant out on any case
 - ❑ Currently in jail or prison



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Expungement (Dismissal) of Criminal Conviction



- ▶ How much does it cost?
 - ▶ SD court filing fee: \$60 per misdemeanor case; \$120 per felony case
 - ▶ **BUT** - most people qualify to waive these filing fees
- ▶ How long does the process take?
- ▶ Can the judge say "No"?
- ▶ What can you do now to make getting a dismissal easier?
 - ▶ Make an accomplishment list
 - ▶ Collect any documents to show your achievements
 - ▶ Be prepared to answer:
 - ▶ How has having a record impacted your life?
 - ▶ What have you learned from your involvement in the criminal justice system?
 - ▶ What changes have you made in your life to avoid trouble in the future?



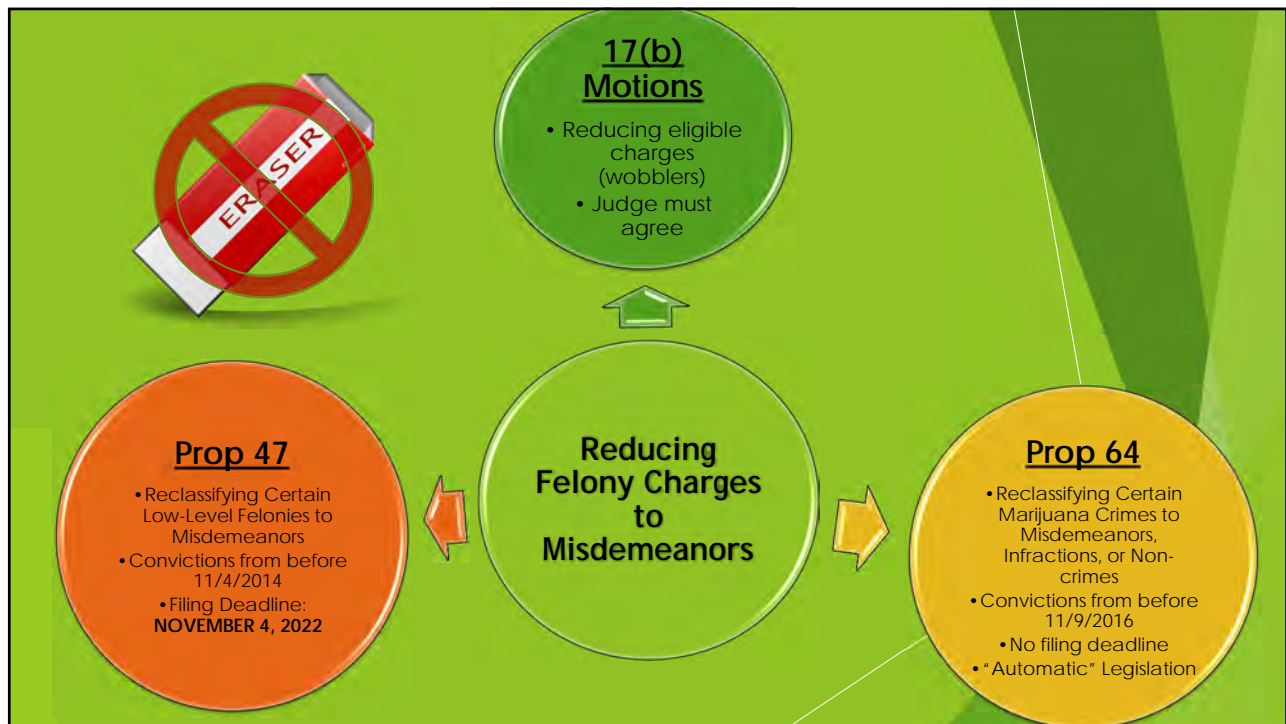
What about Juvenile Cases?

Juvenile records are confidential

Some juvenile records are dismissed & sealed automatically - you don't have to do anything

You may have to ask that some types of records be sealed. Start the process by calling the Sealing Officer (858) 694-4315.

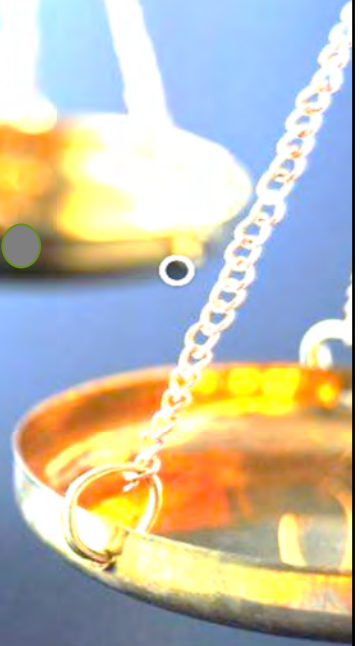




Certificate of Rehabilitation



What does it do?	Official recognition of rehabilitation May help with getting professional licenses
When can you get it?	Generally, a minimum seven years staying out of trouble
What types of convictions does it work on?	Most felonies; some misdemeanor sex offenses
Who is <u>not</u> eligible?	Non-CA residents; military; currently still on supervision



A detention is not an arrest!



Sealing Adult Arrest Records

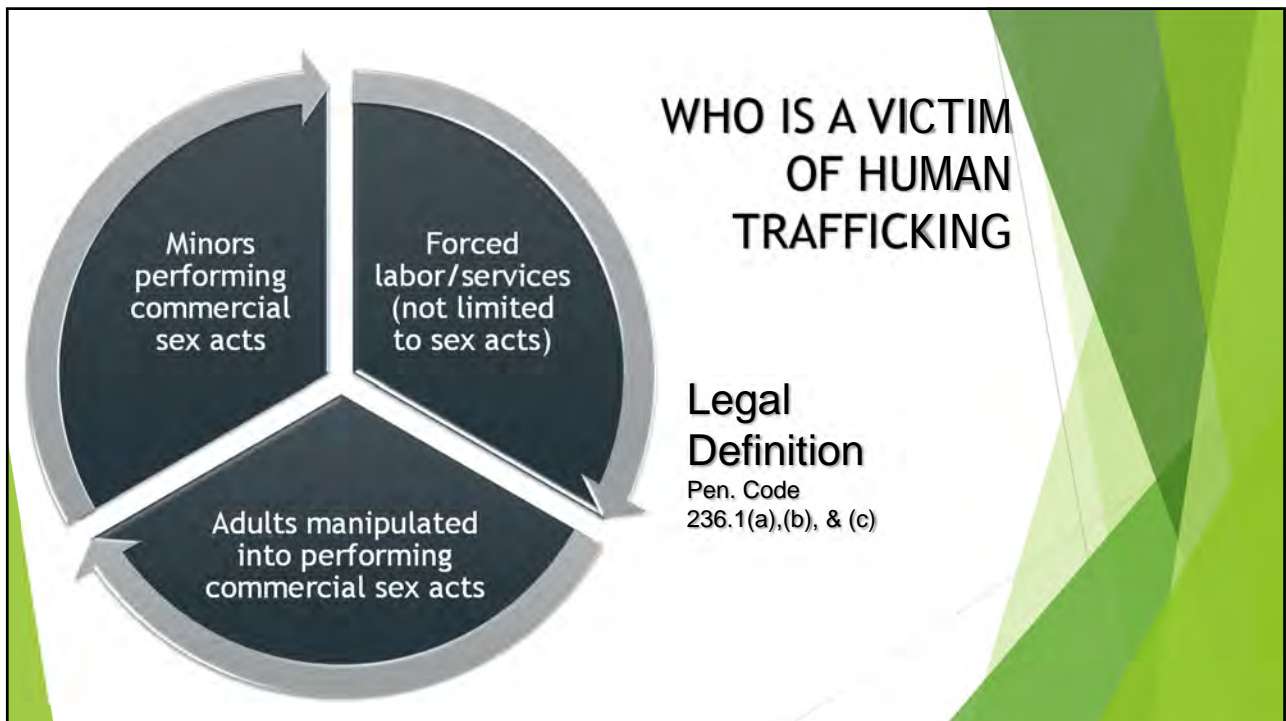
Know your options!
Who Can Benefit?
The San Diego Experience



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Sort of an eraser---sometimes . . .



Who Can We Help?



RESULTS OF VACATUR: Vacatur is the formal recognition of "factual innocence."

Sealing & destruction of all records

- ❑ DOJ
- ❑ Court Records
- ❑ \$\$\$\$\$\$
- ❑ Fingerprints/booking records
- ❑ Police/arrest records
- ❑ Probation records/CDCR/Parole
- ❑ DNA



San Diego County District Attorney Conviction Review Unit

Uriah Courtney Case



54



55

DA Conviction Review Unit



San Diego County District Attorney

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George "Woody" Clarke Conviction Review Unit

MISSION STATEMENT

The prosecutor's role in the criminal justice system is to vigorously and ethically prosecute those who violate the law and to protect the innocent. To that end, prosecutors have a duty to seek the truth before, during, and after conviction.

Continuing the San Diego County District Attorney's Office tradition of assuring post-conviction justice, the Conviction Review Unit examines post-conviction claims of innocence where credible and verifiable evidence of innocence exists or new technologies exist to test or retest remaining evidence.

The Conviction Review Unit is committed to the highest standard of professional integrity, expeditious and thorough review of post-conviction cases, prevention of wrongful convictions, and working collaboratively with all criminal justice partners, including those who seek the exoneration of the wrongfully convicted.

"Injustice anywhere is a threat to justice everywhere."
 - Martin Luther King, Jr.
 Letter from a Birmingham Jail
 1963

<https://www.sdcda.org/office/ConvictionReview/>

DA Conviction Review Unit

Application Requirements

In order for the Conviction Review Unit to conduct a preliminary review of a conviction, defendants making a claim of innocence must meet the following prerequisites:

- The conviction must have occurred in San Diego County Superior Court;
- Applicant must still be in custody, serving time on the sentence for which he/she was convicted;
- The conviction must be for a violent and/or serious felony as defined by Penal Code sections [667.5 \(c\)](#) and [1192.7 \(c\)\(1\)-\(42\)](#) (e.g. murder, rape, robbery, etc.);
- The application for review must be based on credible and verifiable evidence of innocence; and
- Applicant agrees to fully cooperate with the District Attorney's Office, which includes providing disclosure of all relevant information during the review process.

The Conviction Review Unit will not consider requests for resentencing.

Information Needed

Applicants or their representative must complete the form below in order to make a conviction review request (you may use additional pages if needed):

► [Conviction Review Application Form](#)

You may alternatively use this fillable PDF, save it to your pc and send it as an attachment in an email.

► [Fillable Conviction Review Application Form](#)

*This may require you to get the latest version of Adobe Reader from <https://get.adobe.com/reader/>

San Diego County District Attorney's Office
 Conviction Review Unit
 PO Box 121011 • San Diego, CA • 92112-1011
 Fax (619) 531-3428
CRU@sdcca.org

<https://www.sdcda.org/office/ConvictionReview/>

Are you Ready for a Fresh Start?

San Diego County
Cases

Free Service

For Anyone

Anywhere

**Expungement/
Dismissal of
Criminal
Convictions**



Fresh Start Program
Comprehensive Criminal Record Relief

COUNTY OF SAN DIEGO
OFFICE OF THE PUBLIC
DEFENDER

**Prop. 47:
Felony
Conviction
Relief**



Fresh Start Program
Comprehensive Criminal Record Relief

COUNTY OF SAN DIEGO
OFFICE OF THE PUBLIC
DEFENDER

**DNA Database
Expungement**



Fresh Start Program
Comprehensive Criminal Record Relief

COUNTY OF SAN DIEGO
OFFICE OF THE PUBLIC
DEFENDER

**Human
Trafficking
Victim Vacatur
Relief**



Fresh Start Program
Comprehensive Criminal Record Relief


COUNTY OF SAN DIEGO
OFFICE OF THE PUBLIC
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Sample of Services

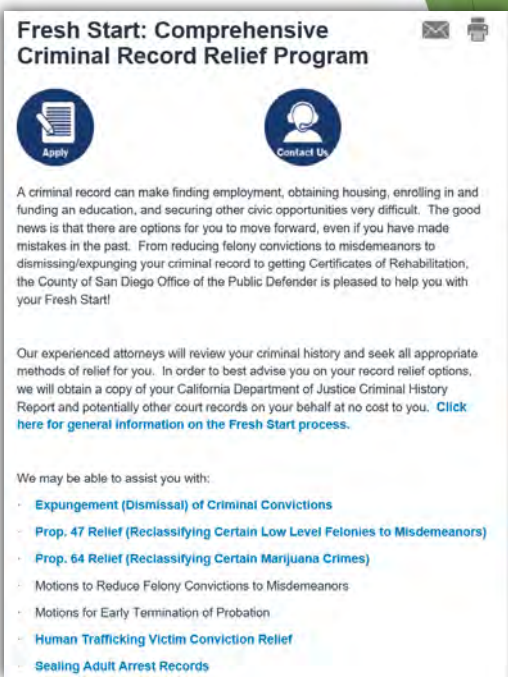
Fresh Start Program
 450 B Street, Suite 900
 San Diego, CA 92101

Fresh.Start@sdcounty.ca.gov

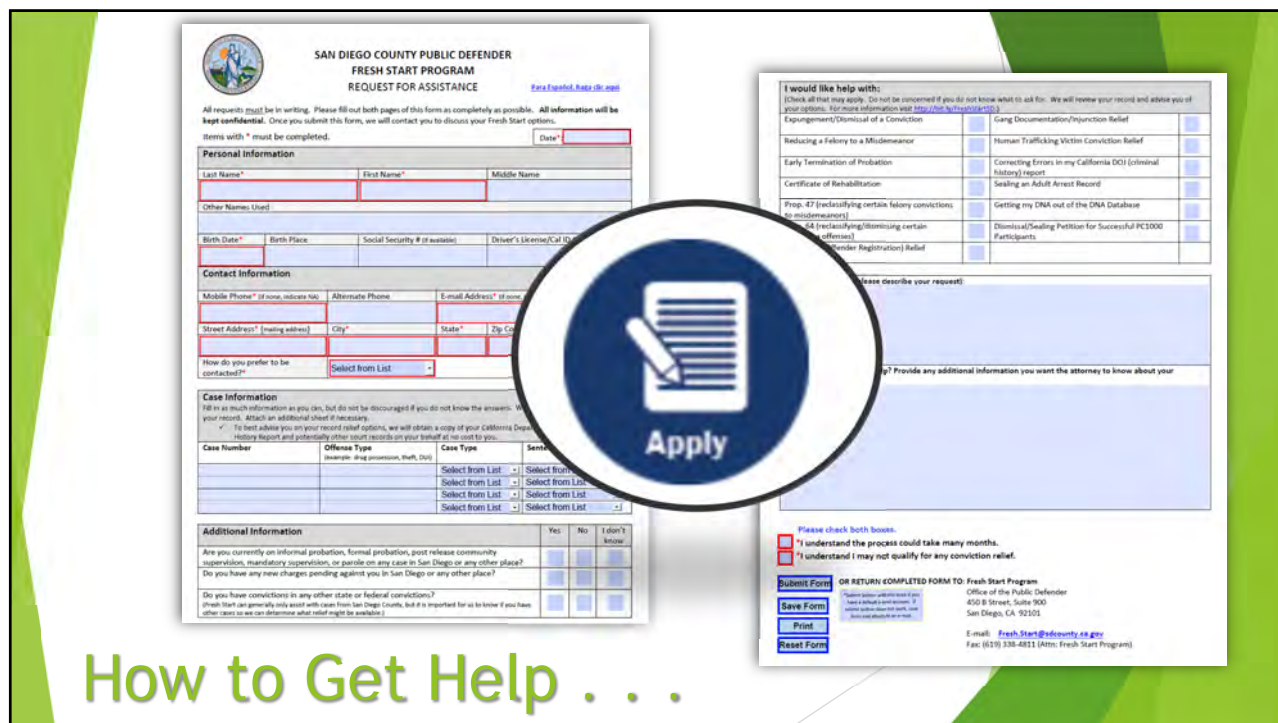
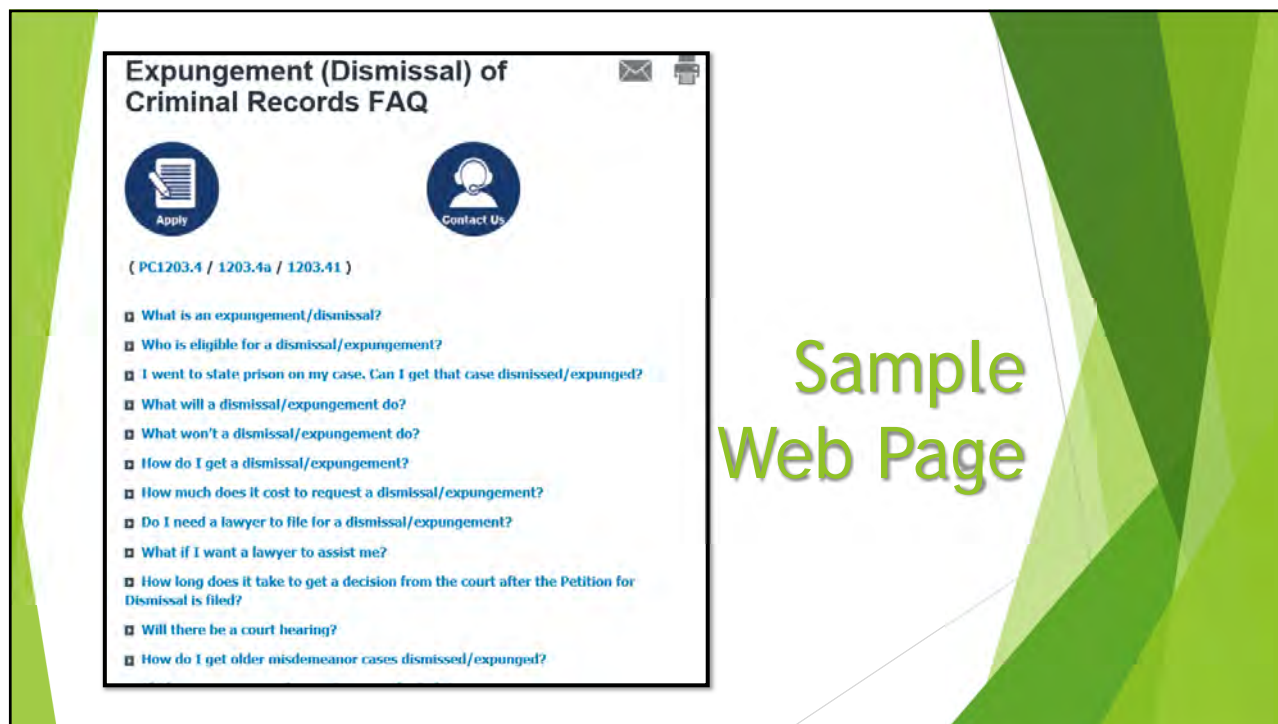
(619) 338-4700



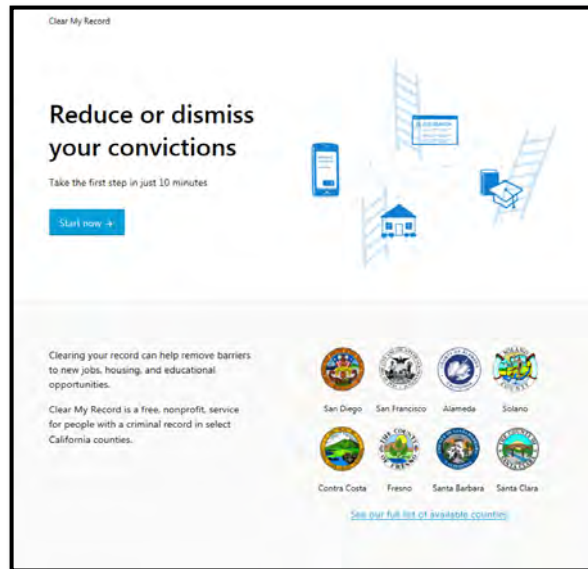
http://www.sandiegocounty.gov/content/sdc/public_defender/fresh_start.html
<http://bit.ly/FreshStartSD>



Information at your Fingertips



Clear My Record



<https://clearmyrecord.codeforamerica.org/>

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