

ORANGE COUNTY PUBLIC DEFENDER "NEW LEAF" APPLICATION

Personal Information				
First Name	Middle Name	Last name	Other names used	
Date of Birth	Place of birth	Social Security #	CDL#	Today's Date

Contact Information				
Street Address	Apt. #	City	Zip Code	
Phone	Alt. Phone		Email address	

May we leave a message for you at these contact numbers if you do not answer? **No** **Yes**

Case Information				
O.C. Case # or date	Additional case	Additional case	Did the Public Defender represent you on this case?	
			No <input type="checkbox"/> Yes <input type="checkbox"/>	

Have you had any other arrests or convictions from other counties? If yes, please complete below:

Date	Arrest or Conviction	County	Charges/conduct

Current Information	
Are you currently on probation?	No <input type="checkbox"/> Yes <input type="checkbox"/>
Are you currently on parole?	No <input type="checkbox"/> Yes <input type="checkbox"/>
Are you currently serving a sentence?	No <input type="checkbox"/> Yes <input type="checkbox"/>
Are you currently charged with a crime?	No <input type="checkbox"/> Yes <input type="checkbox"/>

Which of the following types of relief are you interested in?

Seal and Destroy Arrest (I am factually innocent)

Early Termination of Probation (I am on probation and can provide good cause for early termination)

Reduce Felony to Misdemeanor (I am on probation, but when my conviction occurred, there was an agreement I could reduce my felony to a misdemeanor **or** (I am no longer on probation and would like my felony reduced)

Dismissal Pursuant to 1203.4 of the California Penal Code (formerly known as "expungement")

Certificate of Rehab & Pardon (I was on probation and my conviction was expunged) **or**

Certificate of Rehab & Pardon (I was not on probation, I served a State Prison Sentence)

Insert name of court, judicial district or branch court, if any, and post office and street address: _____	FOR COURT USE ONLY
PEOPLE OF THE STATE OF CALIFORNIA Defendant:	
DEFENDANT'S FINANCIAL STATEMENT AND NOTICE TO DEFENDANT <input type="checkbox"/> ELIGIBILITY FOR APPOINTMENT OF COUNSEL <input type="checkbox"/> REIMBURSEMENT FOR COST OF COURT APPOINTED COUNSEL	CASE NUMBER:

1. a. Defendant's name: d. Date of birth:
b. Other names used: e. Telephone number:
..... f. Driver's license number:
c. Address:

2. I am am not married.

3. a. Spouse's name: d. Date of birth:
b. Other names used: e. Telephone number:
..... f. Driver's license number:
c. Address:

4. Defendant's Present Employment:
a. Occupation:
b. Name of employer:
c. Address:
d. Gross pay per month: \$ _____ week: \$ _____ day: \$ _____
e. Take home pay per month: \$ _____ week: \$ _____ day: \$ _____
f. Name of union:
g. Name of credit union:

5. If you are not now working, state the name and address of your last employer and the last day you were employed.
a. Name:
b. Address:
c. Last date of employment:

6. Spouse's Present Employment:
a. Occupation:
b. Name of employer:
c. Address:
d. Gross pay per month: \$ _____ week: \$ _____ day: \$ _____
e. Take home pay per month: \$ _____ week: \$ _____ day: \$ _____
f. Name of union:
g. Name of credit union:

7. If spouse is not now working, state the name and address of spouse's last employer and the last day spouse was employed.
a. Name:
b. Address:
c. Last date of employment:

8. DEPENDENTS

<u>Name</u>	<u>Address</u>	<u>Relationship</u>	<u>Age</u>
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(Continued on reverse side)

OTHER MONTHLY INCOME

9. <u>Defendant</u>		<u>Spouse</u>
a. Unemployment and disability	\$ _____	a. Unemployment and disability
b. Social Security	\$ _____	b. Social Security
c. Welfare, AFDC	\$ _____	c. Welfare, AFDC
d. Veteran's benefits	\$ _____	d. Veteran's benefits
e. Worker's Compensation	\$ _____	e. Worker's Compensation
f. Child support payments	\$ _____	f. Child support payments
g. Spousal support payments	\$ _____	g. Spousal support payments
h. All other income not elsewhere listed	\$ _____	h. All other income not elsewhere listed
	Total: \$ _____	Total: \$ _____

EXPENSES

10. Monthly expenses being paid by defendant alone or by defendant and spouse

a. Rent or house payment	\$ _____	f. Clothing and laundry	\$ _____
b. Car payments	\$ _____	g. Food	\$ _____
c. Transportation payments	\$ _____	h. Support payments	\$ _____
d. Medical and dental payments	\$ _____	i. Insurance payments	\$ _____
e. Loan payments	\$ _____	j. Other payments (union, taxes, utilities)	\$ _____
		Total (a-j):	\$ _____

11. Installment Payments, other than listed in item 10.

<u>Name of Creditor</u>	<u>Monthly Payment</u>	<u>Balance Owed</u>
a.	a. \$ _____	\$ _____
b.	b. \$ _____	\$ _____
c.	c. \$ _____	\$ _____
d.	d. \$ _____	\$ _____
e.	e. \$ _____	\$ _____
	Total: \$ _____	Total: \$ _____

ASSETS

12. What do you own? (State value.)

a. Cash:	a. \$ _____	
b. House equity:	b. \$ _____	
c. Cars, other vehicles and boat equity: (List make, year and license number of each)	c. \$ _____	
d. Checking, savings and credit union accounts: (List name and account number of each)	d. \$ _____	
e. Other real estate equity:	e. \$ _____	
f. Income tax refunds due:	f. \$ _____	
g. Life Insurance Policies (Ordinary life-face value):	g. \$ _____	Length of ownership
h. Other personal property (Jewelry, furniture, furs, stocks and bonds, etc.)	h. \$ _____	
	Total: \$ _____	

13. **ELIGIBILITY FOR APPOINTMENT OF COUNSEL AND NOTICE TO DEFENDANT:** If an attorney is appointed to represent you the court will, at the conclusion of the criminal proceedings, after a hearing, make a determination of your ability to pay all or a portion of the cost of the attorney. If the court determines that you are at that time able to pay, the court will order you to pay all or part of such cost. Such an order will have the same force and effect as a judgment in a civil action and will be subject to execution.

Declaration of Defendant

I declare under penalty of perjury that the foregoing is true and correct and that I understand the notice contained in item 13, and that this declaration was executed on

(Date): _____ at (County): _____, California.

(Signature of Defendant)

WORKSHEET

This questionnaire will be used to assist us in preparing a statement to the judge. Please answer the questions on this form as completely as possible and return it to the New Leaf Program, Orange County Public Defender.

We will also need you to provide us with the following:

- 3 to 5 character reference letters of addressed to *The Honorable Judge of the Court* from friends, family, employers, clergy, etc.
- Any school transcripts or diplomas (if you have attended school since your conviction)
- Any certificates of completion for rehabilitation or vocational programs (if you have attended any since your conviction)
- Community service documentation (if you were ever required to perform such service)
- Any other documentation you feel may help your case.

1. Why do you want Early Termination of Probation/Felony Reduction/Dismissal/
Certificate of Rehabilitation/Pardon?

2. How has your criminal record hurt your life?

3. How long has it been since your last *conviction* in any county?
year(s)

4. How long has it been since your last arrest in any county?
year(s)

5. Describe your past lifestyle and why you believe it caused your criminal offenses.

LAW OFFICES

ORANGE COUNTY PUBLIC DEFENDER

DEBORAH A. KWAST
PUBLIC DEFENDER

THOMAS HAVLENA
CHIEF DEPUTY PUBLIC DEFENDER



BRIAN L. DUCKER
SENIOR ASSISTANT PUBLIC DEFENDER

JEAN M. WILKINSON
SENIOR ASSISTANT PUBLIC DEFENDER

14 CIVIC CENTER PLAZA
SANTA ANA, CA 92701-4029
(714) 834-2144 FAX: (714) 834-2729
www.pubdef.ocgov.com

DISMISSAL OF CRIMINAL CASES

Penal Code §1203.4

(Formerly expungement of criminal records)

WHO IS ELIGIBLE?

Any adult who had been granted and *successfully completed probation*, either by fulfilling the conditions of probation or being discharged before the end of his/her probationary period.

He/She must *not be on probation or serving a sentence for any other offense*. (Penal Code § 1203.4)

WHAT IS THE DIFFERENCE BETWEEN AN EXPUNGEMENT AND A DISMISSAL?

The terms are used interchangeably in California regarding 1203.4 motions, however the word “expungement” is misleading by common definition. To “expunge” means “to strike out, obliterate...efface completely, destroy, blot-out, erase, wipe out, annihilate, annul, or put an end to”. In criminal law “expungement” means “the eradication of a record of conviction or adjudication upon the fulfillment of prescribed conditions. In practical terms, the conviction is not “erased” from public view. Anyone who has access to public court websites can still view the case information. However the disposition of the case will reflect that it was “dismissed”.

WHAT ARE THE EFFECTS OF THE DISMISSAL?

IT WILL:

1. Result in the verdict or plea of guilty being set aside;
2. Allow you to answer on job applications that you have not been convicted. If however, you are applying for a government job or a job which requires a government-issued license, certificate or permit, or a job which involves a security clearance, the conviction will be discovered – in such cases, you should disclose the conviction and its expungement.
3. If the conviction was for a felony, it is the first step in obtaining a pardon.

IT WILL NOT:

1. Remove the conviction from your “Rap Sheet” – California and FBI criminal history records will still show the conviction and a dismissal “per PC 1203.4”;
2. Reinstatement the right to possess firearms (reduction to a misdemeanor may accomplish this if the offense is not one of violence.);
3. Allow you to omit the conviction from applications for government issued licenses;
4. Seal or otherwise remove the court case file from public inspection – anyone who knows where to look will be able to find the court case file (probation reports are in confidential files and are not subject to public inspection 90 days after sentencing);
5. Prevent the conviction from being used as a “prior” to increase punishment in case of subsequent conviction;
6. Prevent the conviction from being used for impeachment purposes if called as a witness;
7. Prevent the conviction from being considered and used to refuse or revoke government licenses and permits such as teaching credential, nursing license, bus drivers license, security guard certificate, etc., however, the expungement usually reduces the weight given the conviction by the licensing agency.;
8. Eliminate the conviction from consideration for Immigration purposes.

HOW IS IT DONE?

If you seek a **Dismissal on a Felony**, contact the Office of the Public Defender at 14 Civic Center Plaza, Santa Ana, CA. and ask for the **New Leaf Paralegal**.

If you seek a **Dismissal on a Misdemeanor**, contact the appropriate **Branch Office** listed below.

CENTRAL OFFICE
600 W. Santa Ana Blvd.
Santa Ana, CA 92701
(714) 568-4860

NORTH OFFICE
1440 Harbor Blvd.
Fullerton, CA 92835
(714) 626-3700

WEST OFFICE
14120 Beach Blvd.
Westminster, CA 92683
(714) 896-7281

SOUTH OFFICE
23560 Pacific Island Drive
Laguna Niguel, CA 92677
(949) 249-5060

HARBOR OFFICE
4601 Jamboree Blvd.
Newport Bch., CA 92660
(949) 476-4888

JUVENILE OFFICE
341 City Dr. S., Ste. 307
Orange, CA 92868
(714) 935-7578