

_____ Court of Washington, County/City of _____

Plaintiff
vs.

Defendant

No.

Order on Petition to Vacate Cannabis Conviction

Granted (in full or in part) (ORVCJG)
 Denied (ORVCJD)

Clerk's Action Required: 3, 8

Order on Petition to Vacate Cannabis Conviction

Defendant filed a petition for an order to vacate a misdemeanor cannabis conviction under RCW 9.96.060. The court heard the arguments of the parties and considered the case records and files, and the pleadings submitted on the matter.

The court finds:

1. Adequate notice was was not given to the appropriate parties and agencies.
2. Defendant was 21 years of age or older at the time Defendant committed the offense(s).

The court orders:

3. Based on the petition, the court orders that the following offense(s) is/are:
Count No: ____ Offense: _____ Vacated Not vacated
Count No: ____ Offense: _____ Vacated Not vacated
Count No: ____ Offense: _____ Vacated Not vacated

For the counts in which the court vacated the conviction, the court further orders that:

4. Defendant's guilty plea for the offense is withdrawn and a not guilty plea is entered.
 The guilty verdict for the offense is set aside.
5. The charging document is dismissed, and the judgment and sentence is vacated.
6. Defendant shall be released from all penalties and disabilities resulting from the offense. For all purposes, including responding to questions on employment or housing applications, Defendant may state that they have never been convicted of that offense.

7. The fact that Defendant has been convicted of the offense shall not be included in Defendant's criminal history for purposes of determining a sentence in any subsequent conviction. Although a vacated conviction will not be used for subsequent sentencing purposes, it may be used for other purposes in a later criminal prosecution with the following exception: when a court vacates a record of domestic violence as defined in RCW 10.99.020, the state may not use the vacated conviction in a later criminal prosecution unless the conviction was for: (i) violating the provisions of a restraining order, no-contact order, or protection order restraining or enjoining the person or restraining the person from going onto the grounds of or entering a residence, workplace, school, or daycare, or prohibiting the person from knowingly coming within, or knowingly remaining within, a specified distance of a location, a protected party's person, or a protected party's vehicle; (ii) stalking; or (iii) domestic violence protection order or vulnerable adult protection order. RCW 9.96.060.

A vacated conviction for domestic violence is not considered a conviction of such an offense for the purposes of 27 C.F.R. § 478.11, regarding reinstatement of firearms or explosives rights.

8. The clerk of the court shall immediately transmit a certified copy of this order to the Washington State Patrol and to (*local law enforcement agency*) _____ which agencies shall immediately update their records to reflect the vacation of the conviction of the offense(s) as listed in paragraph 3. The Washington State Patrol shall transmit a copy of this order to the Federal Bureau of Investigation. The Washington State Patrol and local law enforcement agency may not disseminate or disclose a conviction that has been vacated under RCW 9.96.060 to any person, except to other criminal justice enforcement agencies. RCW 9.96.060(8).

Dated: _____

Judge/Commissioner

Submitted by: _____

Approved: _____

Defendant/Attorney for Defendant/WSBA #

Deputy Prosecuting Attorney/WSBA #

Print Name

Print Name