

Superior Court of Washington, County of _____
华盛顿州 县高等法院

State of Washington, Plaintiff,
华盛顿州, 原告,
vs.
诉

No. _____
编号

Motion and Declaration for Order Vacating
Record of Felony Conviction
要求下令撤销重罪定罪记录的申请和声明
(MTAF)
(MTAF)

_____,
Defendant. DOB
被告。 出生日期
PCN:
PCN:
SID:
SID:

I. Motion
申请

[] Defendant [] Prosecutor asks the court for an order vacating the record of the defendant's conviction of a felony offense the defendant committed on or after July 1, 1984. This motion is based on RCW 9.94A.640, the case record and files, and the declaration of the defendant or prosecutor.

被告 [] 检察官请求法院下令撤销被告于1984年7月1日或之后所犯重罪的定罪记录。该申请的依据为RCW 9.94A.640、案件记录和卷宗以及被告或检察官的声明。

Dated: _____
日期:

Signature
签名

WSBA No.
WSBA编号

Print Name
请工整填写姓名

II. Declaration of Defendant
被告声明

I, _____, declare as follows:
我, _____, 声明如下:

1. I am seeking to vacate the following convictions:
我请求撤销以下定罪:

Count: _____	Offense (include degree): _____	RCW _____
编号: _____	罪名 (包括罪级): _____	RCW _____
Count: _____	Offense (include degree): _____	RCW _____
编号: _____	罪名 (包括罪级): _____	RCW _____
Count: _____	Offense (include degree): _____	RCW _____
编号: _____	罪名 (包括罪级): _____	RCW _____
Count: _____	Offense (include degree): _____	RCW _____
编号: _____	罪名 (包括罪级): _____	RCW _____

2. **Prohibited Offenses**
禁止撤销的罪名

I am **not** applying to vacate any of the following offenses:
我**未**申请撤销以下任何罪名:

- A class A felony;
A 级重罪;
- A violent offense as defined in RCW 9.94A.030;
RCW 9.94A.030 中定义的暴力犯罪;
- Driving under the influence (RCW 46.61.592);
酒后驾驶(RCW 46.61.592);
- Physical control of vehicle while under the influence (RCW 46.61.504);
酒后操控车辆(RCW 46.61.504);
- A crime against a person as defined in RCW 43.43.830; or
根据 RCW 43.43.830 定义的人身犯罪; 或
- I am asking to vacate a violent offense or a crime against a person but it is one of the following crimes and it did **not** include a firearm, deadly weapon, or sexual motivation enhancement:
我申请撤销一项暴力犯罪或人身犯罪, 但它是以下罪名中的一种, 且**未**涉及枪支、致命武器或性动机加重情节:
 - Assault in the second degree (RCW 9A.36.021)
二级袭击罪(RCW 9A.36.021)
 - Assault in the third degree (RCW 9A.36.031) when not committed against a law enforcement officer or peace officer
三级袭击罪(RCW 9A.36.031), 但非针对执法官员或治安官员所犯
 - Robbery in the second degree (RCW 9A.56.210)
二级抢劫罪(RCW 9A.56.210)

3. I [] was [] was not discharged under RCW 9.94A.637, for the offenses listed in section 1 (RCW 9.94A.640).
本人 [-] 已 [-] 未根据RCW 9.94A.637解除上述第1节(RCW 9.94A.640)所列罪名。

4. **Criminal Charges Pending**

刑事指控待决

[] There are no criminal charges pending against me in any state court or federal court (RCW 9.94A.640(2)(a)).

本人在任何州法院或联邦法院均无未决刑事指控(RCW 9.94A.640(2)(a))。

[] The only criminal charge pending against me in any court is for prostitution and I am applying as a victim of certain crimes.

本人在任何法院的唯一未决刑事指控是卖淫罪，且本人作为特定犯罪的受害者提出申请。

5. **No New Convictions**

没有新的定罪

[] I committed a class B felony and have not been convicted of any new crime in any state or federal court in the last 5 years. (RCW 9.94A.640(2)(c), .648).

我犯有B级重罪，并且在过去5年中没有在任何州或联邦法院被判犯有任何新罪行。(RCW 9.94A.640(2)(c), .648)。

Or

或

[] I committed a class C felony and have not been convicted of any new crime in any state or federal court in the last 5 years. (RCW 9.94A.640(2)(d), .648).

我犯有C级重罪，并且在过去五年内没有在任何州或联邦法院被判犯有任何新罪行。(RCW 9.94A.640(2)(d), .648)。

6. **Time Since Conviction or Release**

定罪或释放后的时间

[] **Class B Felony:** At least 10 years have passed since the later of my: a) release from community custody; b) release from full and partial confinement; or c) sentencing date (RCW 9.94A.640(2)(e)).

B级重罪：自我的以下情况以来，已经过去了至少10年：a) 从社区羁押中释放；b) 解除全部和部分监禁；c) 量刑日期(RCW 9.94A.640(2)(e))。

Or

或

[] **Class C Felony:** At least 5 years have passed since the later of my: a) release from community custody; b) release from full and partial confinement; or c) sentencing date (RCW 9.94A.640(2)(f)).

C级重罪：自我的以下情况以来，已经过去了至少5年：a) 从社区羁押中释放；b) 解除全部和部分监禁；c) 量刑日期(RCW 9.94A.640(2)(f))。

Or

或

[] **Victim of certain crimes.** I am trying to vacate an offense that is not the offense of promoting prostitution as described in RCW 9A88.070 and 9A.88.080. I committed this offense because I am a victim of domestic violence, sex trafficking, prostitution, commercial sexual abuse of a minor, or sexual assault.

某些犯罪行为的受害者。本人试图撤销的罪名并非RCW 9A.88.070和9A.88.080所规定的“促进卖淫”罪。本人因遭受家庭暴力、性贩卖、卖淫、未成年人商业性剥削或性侵而犯下此罪。

- I have paid my crime victim penalty assessment in full.
我已全额支付犯罪受害者罚款评估费用。
- I have paid any restitution owed to a victim that is not an insurance provider in full.
我已全额支付除保险公司外的受害者赔偿金。
- The facts that show I am a victim of domestic violence, sex trafficking, prostitution, commercial sexual abuse of a minor, or sexual assault are:
证明本人系家庭暴力、性贩卖、卖淫、未成年人商业性剥削或性侵受害者的事实为:

7. Rehabilitation and Mitigation

改造与减轻情节

- ☐ The following facts are evidence of my rehabilitation since my conviction: _____
以下事实是我自定罪以来改过自新的证据:

- ☐ The following is mitigating evidence related to this case: _____
以下是与本案相关的减轻处罚证据:

- 8.** I served this *Motion and Declaration for Order Vacating Record of Felony Conviction* and the ☐ *Notice of Hearing* on the prosecuting attorney in the county I was convicted in on (date) _____.

我于以下日期向我被定罪所在县的检察官送达了这份要求下令撤销重罪定罪记录的申请和声明以及[-]听证会通知: (日期)

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

本人特此声明, 以上陈述属实且正确。若有不实之词, 愿依照华盛顿州法律而接受伪证罪处罚。

Signed on _____ (date) at _____, Washington.
签署日期 (日期) 地点, 华盛顿。

Defendant
被告

Print Name
请工整填写姓名

Address: _____
地址:

Email: _____
电子邮件地址:

Attach the following documents:
附上以下文件。

- **Copy of judgment and sentence**
判决书和量刑的副本
- **Copy of certificate of discharge, or other document showing completion of all conditions of sentence as required under the statute**
释放证明的副本, 或根据法规要求显示已完成所有量刑条件的其他文件
- **Copy of current criminal history**
当前犯罪记录的副本