

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

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

No.
编号

Order on Motion to Vacate Record of
Felony Conviction

关于撤销重罪定罪记录申请的命令

☐ Granted (ORVCJG)

获得批准(ORVCJG)

☐ Denied (ORDYMT)

未获批准(ORDYMT)

Clerk's Action Required: 14

书记员需要采取的行动: 14

This matter comes before the court on defendant's motion for an order vacating record of felony conviction pursuant to RCW 9.94A.640. The court heard argument of the parties and considered the case records and files, and the pleadings submitted on the matter.

此案因被告根据RCW 9.94A.640提出下令撤销重罪定罪记录的申请而提交法院审理。法院听取了双方的辩论, 并考虑了案件记录和卷宗以及就此事提交的诉状。

The Court makes the following findings:

法院得出以下结论:

1. Notice ☐ was ☐ was not given to the appropriate parties and agencies.
通知 ☐ 已 ☐ 未发送给相关各方和机构。
2. On (date) _____ defendant was convicted of the following offense(s):
(日期) 被告被判犯有以下罪行:
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

3. Prohibited Offenses

禁止撤销的罪名

The defendant was **not** convicted of one of the following offenses:

被告未被判犯有以下罪行之一:

- 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 except one of the following crimes that did **not** include a firearm, deadly weapon, or sexual motivation enhancement:
根据RCW 43.43.830 定义的人身犯罪, 但以下罪名除外 (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)

4. Defendant [] was [] was not discharged under RCW 9.94A.637, effective (date) _____ for the offenses listed in paragraph 2.

被告[-] 已[-] 未根据RCW 9.94A.637解除上述第2段所列罪名, 生效日期(日期)。

5. Current Criminal Charges

当前刑事指控

[] There are no criminal charges pending against the defendant in any court of this state or another state, or in any federal court (RCW 9.94A.640(2)(a)).

本州或其他州的任何法院或任何联邦法院都没有针对被告的未决刑事指控(RCW 9.94A.640(2)(a))。

[] The only criminal charge pending against the defendant is for prostitution.

被告唯一的未决刑事指控是卖淫罪。

6. Criminal History Check

犯罪记录调查

[] The defendant committed a class B felony and [] has [] has not been convicted of any new crime in this state, another state, or federal court in the last 10 years (RCW 9.94A.640(2)(c)).

被告犯有B级重罪，并且过去10年内 [-] 有 [-] 未在本州、其他州或联邦法院被判犯有任何新罪行(RCW 9.94A.640(2)(c))。

- ☐ The defendant committed a class C felony and ☐ has ☐ has not been convicted of any new crime in this state, another state, or federal court in the last 5 years (RCW 9.94A.640(2)(d)).

被告犯有C级重罪，并且过去5年内 [-] 有 [-] 未在本州、其他州或联邦法院被判犯有任何新罪行(RCW 9.94A.640(2)(d))。

The following records were used in the criminal history check:

犯罪记录调查中使用了以下记录:

- ☐ Washington State Crime Information Center (WACIC), RCW 43.43.500 et seq.;
华盛顿州犯罪信息中心(WACIC), RCW 43.43.500 及以下;
- ☐ National Crime Information Center (NCIC), including the Interstate Identification Index (Triple I), 28 U.S.C. Section 534;
国家犯罪信息中心(NCIC), 包括州际身份识别索引(Triple I), 28 U.S.C.第534条;
- ☐ Judicial Information System (JIS), RCW 2.68 et seq. and JISCR.
司法信息系统(JIS)、RCW 2.68 及以下和JISCR。
- ☐ Other: _____
其他:

7. Time Since Conviction or Release

定罪或释放后的时间

- ☐ The defendant was convicted of a class B felony and it has been at least 10 years since the later of the defendant's: a) release from community custody; b) release from full and partial confinement; or c) sentencing date (RCW 9.94A.640(2)(e)).
被告被判犯有B级重罪，且距离被告以下情况发生较晚者已过去至少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))。
- ☐ The defendant was convicted of a class C felony and it has been at least 5 years since the later of the defendant's: a) release from community custody; b) release from full and partial confinement; or c) sentencing date (RCW 9.94A.640(2)(f)).
被告被判犯有C级重罪，且距离被告以下以下情况发生较晚者已过去至少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))。
- ☐ The defendant is a victim of domestic violence, sex trafficking, prostitution, commercial sexual abuse of a minor, or sexual assault. The offense the defendant is trying to vacate is not the offense of promoting prostitution as described in RCW 9A.88.070 and 9A.88.080
被告是家庭暴力、性贩卖、卖淫、未成年人商业性剥削或性侵犯的受害者。被告试图撤销的罪行并非RCW 9A.88.070和9A.88.080中描述的促进卖淫罪

8. Mitigation and Release

减轻情节和释放

- ☐ The defendant's mitigating evidence or evidence of rehabilitation was
被告提出的减轻情节证据或改造证据
- ☐ persuasive ☐ not persuasive because _____
具有说服力 [-] 不具说服力，因为

- ☐ The defendant presented no mitigating evidence or evidence of rehabilitation.
被告未提出任何减轻情节证据或改造证据。

The court orders:

法院命令:

9. The motion for order vacating conviction records of the following offense is ☐ granted
☐ denied.

要求下令撤销以下罪行定罪记录的申请[-] 获准

[-] 被拒绝。

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 _____

If granted, the court further orders that:

如果获得批准, 法院进一步命令:

10. ☐ The defendant's guilty plea for every offense listed in section 9 is withdrawn and a not guilty plea is entered.

被告对第9节中列出的每项罪行的认罪均被撤回, 并提出无罪抗辩。

Or

或

- ☐ The guilty verdict for every offense listed in section 9 is set aside.

对9节列出的每项罪行的有罪判决均被撤销。

11. The information or indictment for every offense listed in section 9 is dismissed.

第9节所列每一项罪名的起诉书或起诉状被驳回。

12. The defendant shall be released from all penalties and disabilities resulting from every offense listed in section 9 and the conviction for those offense(s) shall not be included in the defendant's criminal history for purposes of determining a sentence in any subsequent conviction. However, the conviction may be used in a later criminal prosecution. A conviction vacated on or after July 28, 2019, qualifies as a prior conviction for the purpose of charging a present recidivist offense occurring on or after that date, and may be used to establish an ongoing pattern of abuse for purposes of RCW 9.94A.535.

被告应免除因9节中列出的每项罪行而受到的所有处罚和法律后果, 并且这些罪行的定罪不得纳入被告的犯罪记录中, 用于在任何后续定罪中确定刑罚。但是, 定罪可用于以后的刑事起诉。2019年7月28日或之后撤销的定罪记录, 可作为后续累犯指控的前科记录使用, 并可用于依据RCW 9.94A.535确定持续性犯罪模式。

13. This order does not affect the separate legal requirements for restoring a right to possess a firearm under RCW 9.41.040.

此命令不影响根据RCW 9.41.040恢复拥有枪支权利的单独法律要求。

14. For all purposes, including responding to questions on employment applications, the defendant may state that they were never convicted of the offenses listed in section 9. 出于所有目的，包括回答有关就业申请的问题，被告可以声明其从未犯过第9节中列出的罪行。
15. The clerk shall immediately transmit a copy of this order to Washington State Patrol and to (local law enforcement agency) _____ which agencies shall immediately update their records to reflect the vacation of the record of conviction of the offense(s) listed in section 9. The Washington State Patrol shall transmit a copy of this order to the Federal Bureau of Investigation. The Washington State Patrol or local law enforcement agency may not disseminate or disclose a conviction that has been vacated under RCW 9.94A.640 to any person, except to other criminal justice enforcement agencies.
书记员应立即将此命令的副本发送给华盛顿州巡逻署和（当地执法机构）
供这些机构立即更新其记录，以反映第9节中所列犯罪定罪记录的撤销情况。华盛顿州巡逻署应将此命令的副本发送给联邦调查局。华盛顿州巡逻署或地方执法机构不得向任何人传播或披露根据RCW 9.94A.640撤销的定罪，其他刑事司法执法机构除外。

Dated: _____
日期:

Judge
法官

Prosecuting Attorney WSBA No.
检察官 WSBA 编号

Defendant/Defendant's Attorney WSBA No.
被告/被告律师 WSBA 编号

Print Name
请工整填写姓名

Print Name
请工整填写姓名