

**Superior Court of Washington  
County of**

**State of Washington**, Plaintiff,

vs.

\_\_\_\_\_,  
Defendant. DOB \_\_\_\_\_  
PCN: \_\_\_\_\_  
SID: \_\_\_\_\_

No.

**Order on Motion to Vacate Record of  
Felony Conviction**

**Granted (ORVCJG)**

**Denied (ORDYMT)**

**Clerk's Action Required, para. 3.7**

**I. Basis**

**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.

**II. Findings**

- 2.1 Adequate notice  was  was not given to the appropriate parties and agencies.
- 2.2 On \_\_\_\_\_ (date) defendant was convicted of the following offense(s):
- Count: \_\_\_\_\_ Offense (include degree): \_\_\_\_\_ RCW \_\_\_\_\_.
- Count: \_\_\_\_\_ Offense (include degree): \_\_\_\_\_ RCW \_\_\_\_\_.
- Count: \_\_\_\_\_ Offense (include degree): \_\_\_\_\_ RCW \_\_\_\_\_.
- Count: \_\_\_\_\_ Offense (include degree): \_\_\_\_\_ RCW \_\_\_\_\_.
- Count: \_\_\_\_\_ Offense (include degree): \_\_\_\_\_ RCW \_\_\_\_\_.
- 2.3 Defendant was discharged under RCW 9.94A.637, effective \_\_\_\_\_ (date) for the offenses listed in paragraph 2.2 (RCW 9.94A.640).
- 2.4 Defendant has satisfied the following requirements of RCW 9.94A.640(2) or has met the equivalent of these requirements as they would be applied to a person convicted of a crime committed after July 1, 1984:

- 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)).
- The offense for which the defendant was convicted is **not** one of the following offenses:

A violent offense (including all class A felonies) as defined in RCW 9.94A.030
A crime against persons as defined in RCW 43.43.830, except the defendant's conviction for one of the following crimes can be vacated if the conviction did <b>not</b> include a firearm, deadly weapon, or sexual motivation enhancement: <ul style="list-style-type: none"> <li>▪ Assault in the second degree (RCW 9A.36.021)</li> <li>▪ Assault in the third degree (RCW 9A.36.031) when not committed against a law enforcement officer or peace officer</li> <li>▪ Robbery in the second degree (RCW 9A.56.210)</li> </ul>
A felony described in RCW 46.61.502 or 46.61.504

(RCW 9.94A.640(2)(b), (g))

- 2.5  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, based upon the criminal history check of the records listed below (RCW 9.94A.640(2)(c)):

Or

- 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 five years, based upon the criminal history check of the records listed below (RCW 9.94A.640(2)(d)):

Washington State Crime Information Center (WACIC), RCW 43.43.500 et seq;

National Crime Information Center (NCIC), including the Interstate Identification Index (Triple I), 28 USC Section 534;

Judicial Information System (JIS), RCW 2.68 et seq. and JISCR.

Other: \_\_\_\_\_.

- 2.6  The offense for which the defendant was convicted was a class B felony and it has been at least ten 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)).

Or

- The offense for which the defendant was convicted was a class C felony, other than a class C felony described in RCW 46.61.504(6), and it has been at least five 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)).

### III. Order

#### The court orders:

- 3.1 The motion for order vacating conviction records of the following offense is  granted  denied.

Count: \_\_\_ Offense (include degree): \_\_\_\_\_ RCW \_\_\_\_\_.

Count: \_\_\_ Offense (include degree): \_\_\_\_\_ RCW \_\_\_\_\_.  
Count: \_\_\_ Offense (include degree): \_\_\_\_\_ RCW \_\_\_\_\_.  
Count: \_\_\_ Offense (include degree): \_\_\_\_\_ RCW \_\_\_\_\_.  
Count: \_\_\_ Offense (include degree): \_\_\_\_\_ RCW \_\_\_\_\_.

**If granted, the court further orders that:**

3.2 [ ] The defendant's guilty plea for every offense listed in paragraph 3.1 is withdrawn and a not guilty plea is entered.

*Or*

[ ] The guilty verdict for every offense listed in paragraph 3.1 is set aside.

3.3 The information or indictment for every offense listed in paragraph 3.1 is dismissed.

3.4 The defendant shall be released from all penalties and disabilities resulting from every offense listed in paragraph 3.1 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.

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

3.6 For all purposes, including responding to questions on employment applications, the defendant may state that he or she has never been convicted of any offense listed in paragraph 3.1.

3.7 The clerk of the court shall immediately transmit a 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 record of conviction of the offense(s) listed in paragraph 3.1. 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.

Dated: \_\_\_\_\_

\_\_\_\_\_  
Judge/Print Name:

\_\_\_\_\_  
Prosecuting Attorney WSBA No.

\_\_\_\_\_  
Defendant/Defendant's Attorney WSBA No.

\_\_\_\_\_  
Print Name

\_\_\_\_\_  
Print Name