

**Superior Court of Washington
County of Spokane**

State of Washington, Plaintiff,

vs.

Defendant.

DOB _____

PCN: _____

SID: _____

No. _____

**Order on Motion Re: Vacating Record of
Felony Conviction**

Granted (ORVCJG)

Denied (ORDYMT)

Clerk's Action Required, para. 3.6

I. Basis

This matter comes before the court on defendant's motion for order vacating record of felony conviction pursuant to RCW 9.94A.640. The court having 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 _____.

2.3 Defendant was discharged under RCW 9.94A.637 as having completed the requirement of his or her sentence for the offense listed in paragraph 2.2 (RCW 9.94A.640).

2.4 Defendant 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 (RCW 9.94A.640(2)(b), (c), (g)):

A violent offense as defined in RCW 9.94A.030
A crime against persons as defined in RCW 43.43.830
A class C felony described in RCW 46.61.502(6) or 46.61.504(6)

2.5 The defendant has has not been convicted of any new crime in this state, another state, or federal court since the date of discharge under RCW 9.94A.637 or expiration of probation, based upon the criminal history check of the following records (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), including Defendant Case History (DCH) from the District and Municipal Court Information System (DISCIS), 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 date of discharge under RCW 9.94A.637 or expiration of probation (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 46.61.502(6) or 46.61.504(6), and it has been at least five years since the date of discharge under RCW 9.94A.637 or expiration of probation (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 _____.

The court further orders that:

3.2 The defendant's guilty plea for the offense listed in paragraph 3.1 is withdrawn and a not guilty plea is entered.

Or

The guilty verdict for the offense listed in paragraph 3.1 is set aside.

3.3 The information or indictment for the offense listed in paragraph 3.2 is dismissed.

3.4 The defendant shall be released from all penalties and disabilities resulting from the offense listed in paragraph 3.1 and the conviction of that offense 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.

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

3.6 The clerk of the court shall immediately transmit a certified copy of this order to the Washington State Patrol and to Spokane Police Records 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.

Print Name

Defendant/ Defendant's Attorney WSBA No.

Print Name