

**The District Court of Washington
For the County of Grant**

_____ Plaintiff
vs. _____ Defendant.

No. _____

**Notice of Hearing to Vacate
Conviction
(NTHG)**

TO: The court clerk of [] _____ County Superior Court
[] _____ District/Municipal Court

TO: _____ City/County Prosecuting Attorney's Office
(Defendant, you must provide a copy to the Prosecutor's office before the hearing in the time set
by state or local rule.)

Please take notice that on _____ at _____ a.m./p.m., at
_____ Court, _____, the
undersigned will ask the court for an order vacating conviction/s in this matter pursuant to RCW 9.96.060.
A copy of the motion is attached.

Dated: _____

Defendant/Attorney for Defendant/WSBA #

Print Name

[Attach the Motion and Declaration for Order Vacating Conviction]

**The District Court of Washington
For the County of Grant**

Plaintiff
vs.

Defendant.

No. _____
**Motion and Declaration
for Order Vacating Marijuana
Conviction
(MTAF)**

Defendant asks the court for an order vacating his or her misdemeanor marijuana conviction. This motion is based on RCW 9.96.060, the case record and files, and the defendant's declaration.

Dated: _____

Defendant/ Defendant's Attorney/WSBA #

Print Name

Defendant's Declaration:

I, _____, state as follows:

On _____ (date) I was convicted of the following marijuana offense(s):

Count No: ____ Offense: _____

Count No: ____ Offense: _____

Count No: ____ Offense: _____

I was 21 years of age or older at the time of each offense. My birthdate is: _____.

I declare under penalty of perjury under the laws of the state of Washington that the foregoing is, to the best of my knowledge, true and correct.

Signed on _____ (date), at _____, Washington.

Signature of Defendant

Print Name

Address

**The District Court of Washington
For the County of Grant**

vs.

Plaintiff

Defendant.

No. _____

**Order on Motion to Vacate
Marijuana Conviction**

Vacated (in full or in part)

(ORVCJG)

Not vacated **(ORVCJD)**

Clerk's Action Required: 3, 9

The Defendant filed a motion for an order to vacate a misdemeanor marijuana conviction under RCW 9.96.060. The court heard argument 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. The defendant was 21 years of age or older at the time the defendant committed the offense(s).

The court orders:

3. Based on the motion, 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. The 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. The 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, the defendant may state that he or she has never been convicted of that offense.

7. The fact that the 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 day care, or prohibiting the person from knowingly coming within, or knowingly remaining within, a specified distance of a location; or (ii) stalking.

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 defendant has paid costs incurred by the court and probation services in the amount of \$_____.

The defendant is indigent and costs are waived. RCW 9.96.060(7).

9. 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 or 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