

**KITSAP COUNTY DISTRICT COURT  
STATE OF WASHINGTON**

STATE OF WASHINGTON,  <p style="text-align: center;">Plaintiff,</p> <p style="text-align: center;">v.</p> <hr style="width: 50%; margin: 0 auto;"/> <p style="text-align: center;">Defendant.</p>	<b>No.</b> _____  <b>PETITION AND DECLARATION TO VACATE CONVICTION – CANNABIS</b>
---	---

**CHOOSING THE CORRECT FORM**

Washington law authorizes a court to vacate a misdemeanor or gross misdemeanor conviction in six separate situations. You must submit the correct petition to vacate conviction. Your options are –

- (1) Cannabis conviction – RCW 9.96.060(5) (form 950765);
- (2) Controlled Substance Treatment completed – RCW 9.96.060(6) (form 950770);
- (3) Crime Victim (Sex or Domestic Violence) – RCW 9.96.060(3); .080 (form 950775);
- (4) Prostitution Homicide Victim – RCW 9.96.060(7) (form 950780);
- (5) Treaty Indian Fishing Rights conviction – RCW 9.96.060(4) (form 950785); and
- (6) Vacation when none of the above apply – RCW 9.96.060(2) (form 950760).

Use this form 950765 when the conviction you want vacated is for cannabis under (1) above.

**1. PETITION**

Defendant asks the Court for an order vacating defendant’s conviction(s) of misdemeanor or gross misdemeanor offenses. This petition is based on RCW 9.96.060(5), the case record and files, and the declaration of defendant.

DATED – \_\_\_\_\_

\_\_\_\_\_  
*/s/ Signed Electronically*

\_\_\_\_\_  
Defendant/Defendant’s Attorney, WSBA No.

[Note – By typing your name, you intend to sign electronically and agree your electronic signature is the same as a handwritten signature for the purpose of validity, enforceability, and admissibility.]

## 2. DECLARATION OF DEFENDANT

I, (name) \_\_\_\_\_ state as follows –

2.1 **Conviction(s)**. On (date) \_\_\_\_\_, I was convicted of the following offense(s) in this case –

Count No. 1 Offense – \_\_\_\_\_

Count No. 2 Offense – \_\_\_\_\_

Count No. 3 Offense – \_\_\_\_\_

Count No. 4 Offense – \_\_\_\_\_

Count No. 5 Offense – \_\_\_\_\_

2.2 **Cannabis Conviction**. I was convicted of a misdemeanor cannabis offense. A misdemeanor cannabis offense includes, but is not limited to – Any offense under RCW 69.50.4014, from July 1, 2004, onward, and its predecessor statutes, including RCW 69.50.401(e), from March 21, 1979, to July 1, 2004, and RCW 69.50.401(d), from May 21, 1971, to March 21, 1979, and any offense under an equivalent municipal ordinance.

“Cannabis” means all parts of the plant Cannabis, whether growing or not, with a THC concentration greater than 0.3 percent on a dry weight basis during the growing cycle through harvest and usable cannabis. “Cannabis” does not include hemp or industrial hemp as defined in RCW 15.140.020, or seeds used for licensed hemp production under chapter 15.140 RCW. RCW 9.96.060(10) (incorporating RCW 69.50.101(4)).

2.3 **Age 21 or Older**. I was 21 years of age or older at the time the cannabis offense listed above was committed.

I certify (or declare) under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct, and that I am the person whose name I typed (or wrote) below.

SIGNED at (city) \_\_\_\_\_, (state) \_\_\_\_\_ on (date) \_\_\_\_\_.

/s/ Signed Electronically

[Note – By typing your name, you intend to sign electronically and agree your electronic signature is the same as a handwritten signature for the purpose of validity, enforceability, and admissibility.]

### **WHAT ELSE DO I NEED TO DO?**

1. **Schedule Hearing.** Schedule a hearing by preparing a Notice of Hearing to Vacate Conviction (form 950790).
2. **Make 2 Copies.** Make 2 copies of the Petition to Vacate Conviction and 2 copies of the Notice of Hearing to Vacate Conviction (1 copy for the prosecutor and 1 copy for yourself).
3. **File Documents.** File the original Petition to Vacate Conviction and the original Notice of Hearing to Vacate Conviction with the Court.
4. **Copies To Prosecutor.** On the same day you file the documents with the Court, provide a copy of the Petition to Vacate Conviction and Notice of Hearing to Vacate Conviction to the prosecutor.
5. **Appear.** Appear for your hearing.
6. **Order.** You do not need to prepare an order because the Judge will do so at the hearing.