

**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/> <p style="text-align: center;">Defendant.</p>	No. _____ PETITION AND DECLARATION TO VACATE CONVICTION – CONTROLLED SUBSTANCE TREATMENT
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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 950770 when the conviction you want vacated is for controlled substance treatment under (2) 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(6), 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 – _____

2.2 **Qualifying Drug Conviction**. I was convicted in this case of (select all that apply) –

____ **Controlled Substance**. Knowingly possess a controlled substance or knowingly use a controlled substance in a public place. RCW 69.50.4013(1).

____ **Cannabis**. Knowing possession of 40 grams or less of cannabis. RCW 69.50.4014(1).

____ **Legend Drug**. Knowingly possess any legend drug or knowingly use any legend drug in a public place. RCW 69.41.030(2)(b) or (c).

____ **Counterfeit Substance**. Knowingly possess a counterfeit substance or knowingly use a counterfeit substance in a public place. RCW 69.50.4011(1)(b) or (c).

2.3 **Treatment**. I have filed proof of the following –

____ **Completion Of SUD Program**. I completed a substance use disorder program.

____ **Alternative Program**. Both of the following are required under this section –

- **Program**. I obtained an assessment from a recovery navigator program established under RCW 71.24.115, an arrest and jail alternative program established under RCW 36.28A.450, or a law enforcement assisted diversion program established under RCW 71.24.589, and
- **Six Months Substantial Compliance**. I have completed six months of substantial compliance with recommended treatment or services and progress toward recovery goals as reflected by a written status update.

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.