ATTORNEY OR PARTY WITHOUT ATTORNEY STATE BAR NO.: NAME: STREET ADDRESS: CITY: STATE: ZIP CODE: TELEPHONE NO.: FAX NO.: E-MAIL ADDRESS: ATTORNEY FOR (*name*): **SUPERIOR COURT OF CALIFORNIA, COUNTY OF** STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	***FOR COURT USE ONLY***
PEOPLE OF THE STATE OF CALIFORNIA v. DEFENDANT: DATE OF BIRTH:	CASE NUMBER:
ORDER ON MOTION TO VACATE CONVICTION OR SENTENCE ☐ Pen. Code, §§ 1016.5 ☐ Pen. Code, §§ 1473.7(a)(1) ☐ Pen. Code, §§ 1473.7(a)(2)	***FOR COURT USE ONLY*** DATE: TIME: DEPARTMENT:

1. **FOR PURPOSES OF PENAL CODE SECTION 1016.5 RELIEF, THE COURT**

   ☐ grants ☐ denies the moving party's request to vacate the judgment and to permit the moving party to withdraw the plea of guilty or nolo contendere and enter a plea of not guilty.

2. **FOR PURPOSES OF PENAL CODE SECTION 1473.7(a)(1) RELIEF, THE COURT**

   a. ☐ denies the motion because it was not filed with reasonable diligence under Penal Code section 1473.7(b)(2), as specified below:

   b. ☐ grants ☐ denies the request that the court hold the hearing *without* the personal presence of the moving party.

   c. ☐ grants ☐ denies the moving party's request to vacate the conviction or sentence on the basis that the conviction or sentence is legally invalid due to a prejudicial error damaging the moving party's ability to meaningfully understand, defend against, or knowingly accept the actual or potential adverse immigration consequences of a plea of guilty or nolo contendere, and to permit the moving party to withdraw the plea of guilty or nolo contendere and enter a plea of not guilty.

3. **FOR PURPOSES OF PENAL CODE SECTION 1473.7(a)(2) RELIEF, THE COURT**

   a. ☐ denies the motion because the moving party failed to exercise due diligence in discovering the evidence that provides a basis for relief, or failed to file without undue delay from the date the moving party discovered or could have discovered the evidence, as required by Penal Code section 1473.7(c) and as specified below:

   b. ☐ denies the motion on the following basis (specify):

   c. ☐ grants ☐ denies the request that the court hold the hearing *without* the personal presence of the moving party.

   d. ☐ grants ☐ denies the moving party's request to vacate the conviction or sentence based on newly discovered evidence of actual innocence and to permit the moving party to withdraw the plea of guilty or nolo contendere and enter a plea of not guilty. The court's basis for this ruling is specified below:

Date: _____

_____
(JUDICIAL OFFICER)

Form Approved for Optional Use
Judicial Council of California
CR-188 [Rev. January 1, 2020]

For your protection and privacy, please press the Clear This Form button after you have printed the form.

Print this form Save this form Clear this form