

Court of Washington, County of _____
华盛顿州 县法院

vs.
诉

Plaintiff
原告

Defendant
被告

No.
编号

**Petition and Declaration for Order
Vacating Conviction**
撤销定罪令请求和声明
(PT)
(PT)

Petition and Declaration for Order Vacating Conviction
撤销定罪令请求和声明

I. Petition
请求

1. 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 and RCW 9.96.080, the case record and files, and the declaration of defendant.
被告请求法院下令撤销对被告的轻罪或严重轻罪定罪。本请求基于RCW 9.96.060和RCW 9.96.080、案件记录和卷宗以及被告的声明。

Dated: _____
日期:

Defendant/Defendant's Attorney, WSBA #
被告/被告律师, WSBA编号

Print Name
请工整填写姓名

II. Declaration of Defendant
被告声明

2. I, (name) _____, state as follows:
本人, (姓名) _____, 声明如下:

On (date) _____ I was convicted of the following offense/s:
(日期) 我因以下罪行被定罪:

Count No: _____ Offense: _____
编号: 罪名:

Count No: _____ Offense: _____
编号: 罪名:

Count No: _____ Offense: _____
编号: 罪名:

Offense Committed as a Victim of Certain Crimes

作为某些犯罪受害者所犯的罪行

3. ☐ **Conviction as Victim.** I was convicted of a misdemeanor or gross misdemeanor, and the conviction was a result of being a victim of sex trafficking, prostitution, or commercial sexual abuse of a minor; sexual assault; or domestic violence as defined in RCW 9.94A.030. All of the following are true:

作为受害者的定罪。我被判定犯有轻罪或严重轻罪，且该定罪是由于我作为性交易、卖淫、未成年人商业性虐待、性侵犯或家庭暴力（定义见RCW 9.94A.030）的受害者所致。以下所有陈述均属实：

- I am providing to the sentencing court, or the sentencing court's successor, my statement of the specific facts and circumstances below that prove by a preponderance of the evidence (more likely than not) that the offense was committed as a result of being a victim of one of the above offenses:
我向量刑法院或量刑法院的继任者提供以下具体事实和情况的陈述，这些陈述通过大量证据（更有可能）证明犯罪是由于成为上述其中一种行为的受害者而导致的违法行为：

- ☐ I have attached my statement that proves by a preponderance of the evidence (more likely than not) that the offense was committed as a result of being a victim of one of the above offenses.

我已附上我的声明，通过大量证据（更有可能）证明该罪行是由于成为上述罪行之一的受害者而犯下的。

- I have no criminal charges pending in any court of this state or another state.
我在本州或其他州的任何法院都没有未决的刑事指控。
- I have no criminal charges pending in any federal court for any crime other than prostitution.
我在任何联邦法院没有卖淫以外的任何未决刑事指控。
- I was convicted of a misdemeanor, and I have not been convicted of a new crime in this state, another state, or tribal court in the 3 years prior to the date of this petition being filed. RCW 9.96.060(2)(h).

我被判犯有轻罪，并且在提交本请求之日之前的3年内，我在本州、其他州或部落法院没有被判犯有新的罪行。RCW 9.96.060(2)(h)。

- I have provided proof that the crime victim penalty assessment (RCW 7.68.035) has been paid in full, except where the conviction being vacated is for the crime of prostitution, prostitution loitering, or stay out of the area of prostitution.
我已提供证据证明犯罪受害者处罚金评估(RCW 7.68.035)已全额支付，除非被撤销的定罪涉及卖淫、街头卖淫或禁止进入卖淫区域的罪行。
- Restitution owed to any victim, excluding restitution owed to any insurance provider under Title 48 RCW, has been paid in full.
已全额支付对任何受害者的赔偿（不包括根据RCW第48编对任何保险提供商承担的赔偿）。
- The offense was not a misdemeanor or gross misdemeanor violation, including attempt, of chapter 9.68 RCW (obscenity and pornography), or chapter 9A.44 RCW (sex offense), except for failure to register as a sex offender under RCW 9A.44.132.
该罪行不是轻罪或严重轻罪，包括未遂违反RCW第9.68章（淫秽和色情）或RCW第9A.44章（性犯罪）的行为，但未根据RCW 9A.44.132登记为性犯罪者的情况除外。
- The offense was not a conviction as described in RCW 46.61.5055.
该罪行并非RCW 46.61.5055中所述的定罪。
- The offense was not patronizing a prostitute as described in RCW 9A.88.110.
该罪行并非RCW 9A.88.110中所述的嫖娼行为。

Other Misdemeanor and Gross Misdemeanor Offenses

其他轻罪和严重轻罪

4. **Excluded Offenses:** I know I cannot ask the court to vacate a conviction for the following offenses. RCW 9.96.060(2)(c)-(e):
不包括的罪行：我知道我不能要求法院撤销对以下罪行的定罪。RCW 9.96.060(2)(c)-(e):
- A violation of chapter 9A.44 RCW (sex offenses), except for failure to register as a sex offender under RCW 9A.44.132.
违反RCW第9A.44章（性犯罪），但未根据RCW 9A.44.132登记为性犯罪者除外。
 - A violation of chapter 9.68 RCW (obscenity and pornography).
违反RCW第9.68章（淫秽和色情）。
 - A violation of chapter 9.68A RCW (sexual exploitation of children).
违反RCW第9.68A章（对儿童的性剥削）。
 - A violent offense as defined in RCW 9.94A.030, or an attempt to commit a violent offense.
RCW 9.94A.030中定义的暴力犯罪，或企图实施暴力犯罪。
 - Driving while under the influence ("DUI") (RCW 46.61.502).
酒后驾车（"DUI"）(RCW 46.61.502)。
 - Actual physical control while under the influence (RCW 46.61.504).
酒后操控车辆(RCW 46.61.504)。
 - Operating a railroad, etc., while intoxicated (RCW 9.91.020).
醉酒后操作铁路列车等(RCW 9.91.020)。
5. [] **Prior Offense:** I was convicted of an offense that is considered a "prior offense" under RCW 46.61.5055 (see below). All of the following are true:

前科：根据RCW 46.61.5055（见下文），我被判犯有被视为“前科”的罪行。以下所有陈述均属实：

- The prior offense is not a DUI (RCW 46.61.502) or Physical Control (RCW 46.61.504). RCW 9.96.060(2)(d).
前科不是DUI (RCW 46.61.502)或实际控制 (RCW 46.61.504)。RCW 9.96.060(2)(d)。
- I completed all of the terms of the sentence. All financial obligations for this case are satisfied. RCW 9.96.060(2)(a).
我已完成了所有量刑条款。本案的所有财务义务均已履行。RCW 9.96.060(2)(a)。
- I have not been convicted of any new crime in this state, another state, or federal or tribal court in the 3 years prior to this vacation application. RCW 9.96.060(2)(h).
在本撤销申请提交日期前的3年内，我未在本州、其他州或联邦或部落法院被判犯有任何新罪行RCW 9.96.060(2)(h)。
- At least 3 years have passed since my release from supervision or probation, from total and partial confinement, or from my sentencing date, whichever is later. RCW 9.96.060(2)(g).
自我脱离监管或缓刑、完全或部分监禁或宣判日期（以较晚者为准）以来，已经过去了至少3年。RCW 9.96.060(2)(g)。
- I have not had a subsequent alcohol or drug violation within 10 years of the date of arrest for the prior offense. RCW 9.96.060(2)(d).
自上次犯罪被捕之日起10年内，我没有再犯过酗酒或吸毒行为。RCW 9.96.060(2)(d)。
- More than 10 years have passed since the date of the arrest for the prior offense. RCW 9.96.060(2)(d).
自上次犯罪被捕之日起已经过去10多年了。RCW 9.96.060(2)(d)。
- There are no criminal charges pending against me in any court of this state or another state, or in any federal or tribal court as of the date I filed this petition. RCW 9.96.060(2)(b).
截至我提交本请求之日，我在本州或其他州的任何法院，或任何联邦或部落法院中，没有任何针对我的刑事指控待决。RCW 9.96.060(2)(b)。
- I am not currently restrained by a domestic violence protection order, a no-contact order, an anti-harassment protection order, or a civil restraining order which restrains one party from contacting the other party. I was not previously restrained by such an order and found to have committed 1 or more violations of the order in the last 5 years. RCW 9.96.060(2)(i).
我目前未受到家庭暴力保护令、禁止接触令、反骚扰保护令或限制一方与另一方接触的民事限制令的限制。我之前并未受到此类命令的限制，以及未在过去5年内1次或多次违反该命令。RCW 9.96.060(2)(i)。

A “prior offense” means (RCW 46.61.5055(14)):

“前科”是指(RCW 46.61.5055(14)):

Original Convictions, including equivalent local ordinances, for:

针对以下罪行的**原定罪**，包括同等的地方法令:

- Driving Under the Influence (DUI) (RCW 46.61.502) or an equivalent out-of-state conviction.
酒后驾车(DUI) (RCW 46.61.502)或同等的州外定罪。

- Physical Control of a Vehicle under the Influence (Physical Control) (RCW 46.61.504) or an equivalent out-of-state conviction.

酒后实际控制车辆（实际控制）

(RCW 46.61.504)或同等的州外定罪。

- Commercial Vehicle DUI/Physical Control (RCW 46.25.110).

商用车DUI/实际控制(RCW 46.25.110)。

- Watercraft DUI (RCW 79A.60.040(2)).

船只DUI (RCW 79A.60.040(2))。

- Aircraft DUI (RCW 47.68.220).

飞机DUI (RCW 47.68.220)。

- Nonhighway vehicle DUI (RCW 46.09.470(2)).

非公路车辆DUI (RCW 46.09.470(2))。

- Snowmobile DUI (RCW 46.10.490(2)).

雪地车DUI (RCW 46.10.490(2))。

Amended Convictions:

修正定罪:

- **Originally charged with** DUI (RCW 46.61.502) or Physical Control (RCW 46.61.504) or an equivalent local ordinance, or Vehicular Homicide (RCW 46.61.520) or Vehicular Assault (RCW 46.61.522); **but convicted of** Negligent Driving 1st (RCW 46.61.5249), Reckless Driving (RCW 46.61.500), or Reckless Endangerment (RCW 9A.36.050) or an equivalent local ordinance. This section also applies for equivalent out-of-state convictions.

最初被控DUI (RCW 46.61.502)或实际控制(RCW 46.61.504)或违反同等地方条例，或车辆过失杀人罪(RCW 46.61.520)或车辆过失伤害罪(RCW 46.61.522)；但被定罪为第一类疏忽驾驶(RCW 46.61.5249)、鲁莽驾驶(RCW 46.61.500)或鲁莽危害安全(RCW 9A.36.050)或违反同等地方条例。本节也适用于同等的州外定罪。

- **Originally charged with** Watercraft DUI (RCW 79A.60.040(2)) or an equivalent local ordinance, **but convicted of** Operating a Watercraft in a reckless manner (RCW 79A.60.040(1)) or an equivalent local ordinance.

最初被控船只DUI(RCW 79A.60.040(2))或违反同等地方条例，但被定罪为鲁莽操作船只(RCW 79A.60.040(1))或违反同等地方条例。

- **Originally charged with** Aircraft DUI (RCW 47.68.220) or an equivalent local ordinance, **but convicted of** Operating an Aircraft in a careless or reckless manner (RCW 47.68.220) or an equivalent local ordinance.

最初被控飞机DUI (RCW 47.68.220)或违反同等地方条例，但被定罪为粗心或鲁莽操作飞机(RCW 47.68.220)或违反同等地方条例。

Deferred Prosecution Granted for:

批准延期以下起诉:

- Driving Under the Influence (DUI) (RCW 46.61.502), including local and out-of-state equivalents.

酒后驾驶(DUI)(RCW 46.61.502)，包括本地和州外的同等规定。

- Physical Control of a Vehicle under the Influence (Physical Control) (RCW 46.61.504), including local and out-of-state equivalents.

酒后实际控制车辆（实际控制）(RCW 46.61.504)，包括本地和州外的同等规定。

- Negligent Driving 1st (RCW 46.61.5249) or equivalent local ordinance if the charge under which the deferred prosecution was granted was originally filed as a violation of DUI (RCW 46.61.502) or Physical Control (RCW 46.61.504), or an

equivalent local ordinance, or Vehicular Homicide (RCW 46.61.520) or Vehicular Assault (RCW 46.61.522).

第一类疏忽驾驶(RCW 46.61.5249)或违反同等地方条例, 如果准予延期起诉的最初指控是DUI (RCW 46.61.502)或实际控制(RCW 46.61.504)或违反同等地方条例, 或车辆过失杀人罪(RCW 46.61.520)或车辆过失伤害罪(RCW 46.61.522)。

- An equivalent out-of-state deferred prosecution for DUI or Physical Control, including a substance use disorder treatment program. (RCW 46.61.5055(14)(a)(xvi)).

DUI或实际控制的州外延期起诉同等措施, 包括药物滥用障碍治疗计划。(RCW 46.61.5055(14)(a)(xvi))。

Deferred Sentences for:

延期判决, 适用于:

Originally charged with DUI (RCW 46.61.502) or Physical Control (RCW 46.61.504) or an equivalent local ordinance, or Vehicular Homicide (RCW 46.61.520) or Vehicular Assault (RCW 46.61.522); but deferred sentence was imposed for Negligent Driving 1st (RCW 46.61.5249), Reckless Driving (RCW 46.61.500), Reckless Endangerment (RCW 9A.36.050), or an equivalent local ordinance.

最初被控DUI (RCW 46.61.502)或实际控制(RCW 46.61.504)或违反同等地方条例, 或车辆过失杀人罪(RCW 46.61.520)或车辆过失伤害罪(RCW 46.61.522); 但延期判决, 适用于第一类疏忽驾驶(RCW 46.61.5249)、鲁莽驾驶(RCW 46.61.500)或鲁莽危害安全(RCW 9A.36.050)或违反同等地方条例。

6. [] **Domestic Violence:** I was convicted of an offense involving domestic violence. I have complied with the following conditions (RCW 9.96.060(2)(f)) and all the following statements are true:

家庭暴力: 我被判犯有涉及家庭暴力的罪行。我已遵守以下条件(RCW 9.96.060(2)(f)), 并且以下所有陈述均属实:

- I provided the prosecuting attorney's office that prosecuted the offense with written notice of this petition. RCW 9.96.060(2)(f)(i).
我向起诉该罪行的检察官办公室提供了此请求的书面通知。RCW 9.96.060(2)(f)(i)。
- I filed the original notice with this court. RCW 9.96.060(2)(f)(i).
我向本法院提交了原始通知。RCW 9.96.060(2)(f)(i)。
- I have not been convicted of 2 or more domestic violence offenses stemming from different incidents. RCW 9.96.060(2)(f)(ii).
我未因其他事件而2次或以上被判犯有家庭暴力罪。RCW 9.96.060(2)(f)(ii)。
- I have never signed an affidavit under penalty of perjury where I lied, stating that I have not previously had a conviction for a domestic violence offense, but then a criminal history check revealed that I have had such a conviction. RCW 9.96.060(2)(f)(iii).
我从未出现以下情形: 签署如有不实受伪证罪处罚的宣誓书, 声明我以前没有因家庭暴力犯罪被定罪, 但后来的犯罪记录调查显示我曾被定罪。RCW 9.96.060(2)(f)(iii)。
- I completed all of the terms of the sentence. All financial obligations for this case are satisfied. RCW 9.96.060(2)(a).
我已完成了所有量刑条款。本案的所有财务义务均已履行。RCW 9.96.060(2)(a)。

- It has been at least 5 years since I completed the terms of the original conditions of the sentence, including successful completion of any treatment ordered, but excluding the payment of financial obligations. RCW 9.96.060(2)(f)(iv).
自我完成最初量刑条件（包括成功完成所要求的任何治疗，但不包括支付财务义务）以来，已经过去了至少5年。RCW 9.96.060(2)(f)(iv)。
- I have not been convicted of any new crime in this state, another state, or federal or tribal court in the 3 years prior to this vacation application. RCW 9.96.060(2)(h).
在本撤销申请提交日期前的3年内，我未在本州、其他州或联邦或部落法院被判犯有任何新罪行RCW 9.96.060(2)(h)。
- I have no criminal charges pending against me in any court of this state or another state, or in any federal or tribal court as of the date I file this petition. RCW 9.96.060(2)(b).
截至我提交本请求之日，我在本州或其他州的任何法院，或任何联邦或部落法院中，没有任何针对我的刑事指控待决。RCW 9.96.060(2)(b)。
- I am not currently restrained by a domestic violence protection order, a no-contact order, an anti-harassment protection order, or a civil restraining order which restrains one party from contacting the other party. I was not previously restrained by such an order and found to have committed 1 or more violations of the order in the last 5 years. RCW 9.96.060(2)(i).
我目前未受到家庭暴力保护令、禁止接触令、反骚扰保护令或限制一方与另一方接触的民事限制令的限制。我之前并未受到此类命令的限制，以及未在过去5年内1次或多次违反该命令。RCW 9.96.060(2)(i)。

7. [] **Offenses not otherwise specified above, and all the following statements are true:**
以上未另行指定的违法行为，并且以下所有陈述均属实：

- I completed all of the terms of the sentence. All financial obligations for this case are satisfied. RCW 9.96.060(2)(a).
我已完成了所有量刑条款。本案的所有财务义务均已履行。RCW 9.96.060(2)(a)。
- At least 3 years have passed since my release from supervision or probation, from total and partial confinement, or from my sentencing date, whichever is later. RCW 9.96.060(2)(g).
自我脱离监管或缓刑、完全或部分监禁或宣判日期（以较晚者为准）以来，已经过去了至少3年。RCW 9.96.060(2)(g)。
- I have not been convicted of any new crime in this state, another state, or federal or tribal court in the 3 years prior to this vacation application. RCW 9.96.060(2)(h).
在本撤销申请提交日期前的3年内，我未在本州、其他州或联邦或部落法院被判犯有任何新罪行。RCW 9.96.060(2)(h)。
- There are no criminal charges pending against me in any court of this state or another state, or in any federal or tribal court as of the date I file this petition. RCW 9.96.060(2)(b).
截至我提交本请求之日，我在本州或其他州的任何法院，或任何联邦或部落法院中，没有任何针对我的刑事指控待决。RCW 9.96.060(2)(b)。
- I am not currently restrained by a domestic violence protection order, a no-contact order, an anti-harassment protection order, or a civil restraining order which restrains one party from contacting the other party. I was not previously

restrained by such an order and found to have committed 1 or more violations of the order in the last 5 years. RCW 9.96.060(2)(i).

我目前未受到家庭暴力保护令、禁止接触令、反骚扰保护令或限制一方与另一方接触的民事限制令的限制。我之前并未受到此类命令的限制，以及未在过去5年内1次或多次违反该命令。RCW 9.96.060(2)(i)。

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

我声明，就我所知，前述内容和任何附件真实准确，否则将受到华盛顿州法律的伪证罪处罚。

Signed at (city or county) _____, Washington on (date) _____.
签署地点（城市或县），华盛顿，（日期）

Defendant's Signature
被告签名

Print Name
请工整填写姓名

Mailing Address, unless confidential:
邮寄地址，除非保密：

Street Address or PO Box	City	State	Zip
街道地址或邮政信箱	城市	州	邮编