
Court of Washington, County/City of _____
华盛顿州 县/市法院

_____ vs. 诉	Plaintiff 原告	No. 编号
_____ Defendant 被告		Order on Petition Re: Vacating Conviction 关于以下事宜的请求令：撤销定罪 <input type="checkbox"/> Granted (in full or in part) (ORVCJG) 获准（全部或部分）(ORVCJG) <input type="checkbox"/> Denied (ORVCJD) 被拒绝(ORVCJD) Clerk's action required: <input type="checkbox"/> 8 书记员需要采取的行动：[-] 8

Order on Petition Re: Vacating Conviction
关于以下事宜的请求令：撤销定罪

I. Basis
依据

1. This matter comes before the court on the defendant's petition for an order vacating misdemeanor or gross misdemeanor conviction/s under RCW 9.96.060 and RCW 9.96.080. The court heard the arguments of the parties and considered the case records, files, and pleadings submitted on the matter.
被告根据RCW 9.96.060和RCW 9.96.080要求下令撤销轻罪或严重轻罪定罪，此案已提交法院审理。法院听取了双方的辩论，并考虑了案件记录和卷宗以及就此事提交的诉状。

II. Findings
调查结论

2. Adequate notice ☐ was ☐ was not given to the appropriate parties and agencies.
适当的通知[-]已[-]未发送给相关各方和机构。

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.** The offense for which the defendant was convicted was 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, and the following are true:

作为受害者的定罪。 被告被定罪的罪行为轻罪或严重轻罪，且该定罪是由于其作为性交易、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，并且以下所有陈述均属实：

- [] The defendant provided to the sentencing court or the sentencing court's successor, the defendant's statement of the specific facts and circumstances that prove by a preponderance of the evidence that the offense was committed as a result of being a victim of one of the above offenses by affidavit.
被告向量刑法院或量刑法院的继任者提供了被告关于具体事实和情节的陈述，以大量证据证明该罪行是由于作为上述犯罪之一的受害者而实施的。
- [] The defendant has no criminal charges pending in any court of this state or another state, or in any federal court for any crime other than prostitution.
本州或其他州的任何法院或任何联邦法院均未对被告提出因卖淫以外的任何未决刑事指控。
- [] The offense for which the defendant was convicted was a misdemeanor, and the defendant has not been convicted of a new crime in this state, another state, or tribal court in the 3 years prior to date of the filing of this petition.
被告被判有罪的罪行是轻罪，并且在提交本请求之日之前的3年内，被告在本州、其他州或部落法院没有被判犯有新的罪行。
- [] The defendant 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.
被告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 by the defendant.
被告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 any 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:** The defendant is ineligible to vacate the offense because it is one of the following offenses below.
不包括的罪行： 被告没有资格撤销该罪行，因为该罪行属于以下罪行之一。

RCW 9.96.060(2)(c)-(e):
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:** The offense for which the defendant was convicted is considered a “prior offense” under RCW 46.61.5055 (see below), and the following are true:
前科: 根据RCW 46.61.5055（见下文），被告被定罪的罪行被视为“前科”，并且以下情况均属实：

- [] The prior offense is not a DUI (RCW 46.61.502) or Physical Control (RCW 46.61.504). Even if the conviction was originally filed as a DUI or Physical Control, the defendant was ultimately convicted of a different charge. RCW 9.96.060(2)(d).
前科不是DUI (RCW 46.61.502)或实际控制(RCW 46.61.504)。即使定罪最初是作为DUI或实际控制而定罪，被告最终还是被判犯有另一项指控。RCW 9.96.060(2)(d)。
- [] The defendant completed all the terms of the sentence. All financial obligations for this case have been satisfied. RCW 9.96.060(2)(a).
被告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)。
- [] The defendant has not been convicted of any new crimes in this state, another state, or federal or tribal court in the 3 years prior to the vacation application. RCW 9.96.060(2)(h).
在本撤销申请提交日期前的3年内，被告未在本州、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 the defendant was released from supervision or probation, from total and partial confinement, or since the defendant’s sentencing date, whichever is later. RCW 9.96.060(2)(g).
自被告解除监管或缓刑、全部或部分监禁或自被告宣判之日起（以较晚者为准）已过去至少3年。RCW 9.96.060(2)(g)。
- [] The defendant has 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，被告没有再犯过酗酒或吸毒行为。RCW 9.96.060(2)(d)。

- [] More than 10 years has elapsed 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 the defendant in any court of this state or another state, or in any federal or tribal court as of the date the defendant filed the petition. RCW 9.96.060(2)(b).

截至被告提交请求之日，本州或其他州的任何法院、任何联邦或部落法院均没有针对被告的任何未决刑事指控。RCW 9.96.060(2)(b)。

- [] The defendant is 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. The defendant 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).

被告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。被告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:** The offense for which the defendant was convicted **does** involve domestic violence and the defendant complied with the following conditions (RCW 9.96.060(2)(f)) and the following are true:
家庭暴力: 被告被定罪的罪行**确实**涉及家庭暴力, 且被告符合以下条件(RCW 9.96.060(2)(f)), 并且以下情况均属实:
- [] The defendant provided the prosecuting attorney's office that prosecuted the offense with written notice of defendant's petition. RCW 9.96.060(2)(f)(i).
被告向起诉该罪行的检察官办公室提供了被告请求的书面通知。RCW 9.96.060(2)(f)(i)。
 - [] The defendant filed the original notice with this court. RCW 9.96.060(2)(f)(i).
被告向本院提交了原始通知。RCW 9.96.060(2)(f)(i)。
 - [] The defendant has not been convicted of 2 or more domestic violence offenses stemming from different incidents. RCW 9.96.060(2)(f)(ii).
被告未因其他事件而2次或以上被判犯有家庭暴力罪。RCW 9.96.060(2)(f)(ii)。
 - [] The defendant has never signed an affidavit under penalty of perjury affirming that the applicant has not previously had a conviction for a domestic violence offense, and a criminal history check reveals that the applicant has had such a conviction. RCW 9.96.060(2)(f)(iii).
被告从未出现以下情形: 签署如有不实受伪证罪处罚的宣誓书, 声明申请人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申请人曾被定罪。RCW 9.96.060(2)(f)(iii)。
 - [] The defendant completed all the terms of the sentence. All financial obligations for this case have been satisfied. RCW 9.96.060(2)(a).
被告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 the defendant 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).
自被告完成最初量刑条件(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)。
 - [] The defendant has 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. 在本撤销申请提交日期前的3年内, 被告未在本州、其他州或联邦或部落法院被判犯有任何新罪行。
 - [] There are no criminal charges pending against the defendant in any court of this state or another state, or in any federal or tribal court as of the date the defendant filed the petition. RCW 9.96.060(2)(b).
截至被告提交请求之日, 本州或其他州的任何法院、任何联邦或部落法院均没有针对被告的任何未决刑事指控。RCW 9.96.060(2)(b)。
 - [] The defendant is 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. The defendant

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).

被告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。被告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 the following are true:**
以上未另行指定的违法行为，并且以下陈述均属实：

☐ The defendant completed all the terms of the sentence. All financial obligations for this case have been satisfied. RCW 9.96.060(2)(a).

被告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 the defendant was released from supervision or probation, from total and partial confinement, or since the defendant's sentencing date, whichever is later. RCW 9.96.060(2)(g).

自被告解除监管或缓刑、全部或部分监禁或自被告宣判之日起（以较晚者为准）已过去至少3年。RCW 9.96.060(2)(g)。

☐ The defendant has not been convicted of any new crime in this state, another state, or federal or tribal court in the 3 years prior to the vacation application. RCW 9.96.060(2)(h).

在本撤销申请提交日期前的3年内，被告未在本州、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 the defendant in any court of this state or another state, or in any federal or tribal court as of the date the defendant filed the petition. RCW 9.96.060(2)(b).

截至被告提交请求之日，本州或其他州的任何法院、任何联邦或部落法院均没有针对被告的任何未决刑事指控。RCW 9.96.060(2)(b)。

☐ The defendant is 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. The defendant 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).

被告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。被告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)。

III. Order
命令

8. Based on the above findings, it is ordered:

根据上述调查结论，命令如下：

☐ The petition for order vacating conviction records of the following offense/s is/are granted.

下令撤销以下罪行的定罪记录请求已获批准。

Count No: _____ Offense: _____
编号: _____ 罪名: _____

Count No: _____ Offense: _____
编号: _____ 罪名: _____

Count No: _____ Offense: _____
编号: _____ 罪名: _____

IT IS ORDERED FURTHER that:

进一步命令如下:

The defendant's guilty plea/s for the offense/s is/are withdrawn and a not guilty plea is entered, or the guilty verdict for the offense/s is/are set aside. The charging document is dismissed and the judgment and sentence is vacated for the offense/s listed above.

被告对指控的罪行的认罪被撤销, 并且已提出无罪抗辩; 或者对指控罪行的有罪判决被撤销。针对上述罪行, 指控文件被驳回, 判决和量刑被撤销。

The defendant shall be released from all penalties and disabilities resulting from the offense/s listed above. For all purposes, including responding to questions on employment or housing applications, the defendant may state that they have never been convicted of that offense.

被告应被解除因上述所列罪行而产生的所有刑罚和相关后果。出于所有目的, 包括回答有关就业或住房申请的问题, 被告可以声明其从未因该罪行被定罪。

However, this order does not affect the requirements for restoring the right to possess a firearm under RCW 9.41.040.

但是, 此命令不影响根据RCW 9.41.040 恢复持枪权的要求。

The fact that the defendant has been convicted of the offense shall not be included in the defendant's criminal history for purposes of determining a sentence in any subsequent conviction, except that a vacated conviction qualifies as a prior conviction for the purpose of charging a later recidivist offense as defined in RCW 9.94A.030. A vacated conviction 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, a no-contact order, or protection order restraining or enjoining the person or restraining the person from going on to the grounds of or entering a residence, workplace, school, or daycare, or prohibiting the person from knowingly coming within, or knowingly remaining within, a specified distance of a location, a protected party's person, or a protected party's vehicle; (ii) stalking; or (iii) domestic violence protection order or vulnerable adult protection order. RCW 9.96.060.

被告已被定罪的事实不得纳入被告的犯罪记录中, 用于在任何后续定罪中确定刑罚, 但被撤销的定罪可以作为先前定罪的事实, 用于根据RCW 9.94A.030定义的累犯罪行的指控。撤销的定罪可以在以后的刑事起诉中用于其他目的, 但以下例外: 当法院根据RCW 10.99.020定义的家庭暴力记录撤销定罪时, 除非该定罪是因以下行为而作出的, 否则州政府不得在后续刑事诉讼中使用该撤销的定罪: (i)违反限制令、禁止接触令或保护令, 这些令状限制或禁止该人员进入住所、工作场所、学校或托儿所, 或禁止该人员明知故犯地靠近、逗留在某地点、受保护方人员或受保护方车辆的特定范围内; (ii)跟踪; (iii)违反家庭暴力保护令或弱势成人保护令。RCW 9.96.060。

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.

家庭暴力的撤销定罪不被视为此类罪行的定罪，因此在根据27 C.F.R. § 478.11（关于恢复枪支或爆炸物权利的规定）的目的下，不会影响恢复枪支或爆炸物权利资格。

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 listed in this section. The Washington State Patrol shall transmit a copy of this order to the Federal Bureau of Investigation (FBI). The Washington State Patrol and 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).

法庭书记员应立即将本命令的核证副本发送给华盛顿州巡逻署和（当地执法机构）供这些机构立即更新其记录，以反映本节中所列犯罪定罪的撤销情况。华盛顿州巡逻署应将此命令的副本发送给联邦调查局（FBI）。华盛顿州巡逻署和地方执法机构不得向任何人传播或披露根据RCW 9.96.060撤销的定罪，其他刑事司法执法机构除外。RCW 9.96.060(8)。

9. [] The petition for order vacating conviction records of the following offense/s is denied for the following reason/s:

下令撤销以下罪行的定罪记录请求因以下原因被拒绝：

Dated: _____
日期：

Judge/Commissioner
法官/助理法官

Submitted by: _____
提交人：

Approved: _____
已获批准：

Defendant/Attorney for Defendant/WSBA #
被告/被告律师/WSBA编号

Deputy Prosecuting Attorney/WSBA #
副检察官/WSBA编号

Print Name
请工整填写姓名

Print Name
请工整填写姓名