

**DISTRICT COURT OF WASHINGTON  
FOR THE COUNTY OF WHITMAN**

STATE OF WASHINGTON,  
vs.

Plaintiff

No. \_\_\_\_\_

**Motion and Declaration  
for Order Vacating Marijuana  
Conviction  
(MTAF)**

\_\_\_\_\_   
Defendant

Defendant asks the court for an order vacating his or her misdemeanor marijuana conviction. This motion is based on RCW 9.96.060, the case record and files, and the defendant's declaration.

Dated: \_\_\_\_\_

\_\_\_\_\_   
Defendant/ Defendant's Attorney/WSBA #

\_\_\_\_\_   
Print Name

**Defendant's Declaration:**

I, \_\_\_\_\_, state as follows:

On \_\_\_\_\_ (date) I was convicted of the following marijuana offense(s):

Count No: \_\_\_\_ Offense: \_\_\_\_\_

Count No: \_\_\_\_ Offense: \_\_\_\_\_

Count No: \_\_\_\_ Offense: \_\_\_\_\_

I was 21 years of age or older at the time of each offense. My birthdate is: \_\_\_\_\_.

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

Signed on \_\_\_\_\_ (date), at \_\_\_\_\_, Washington.

\_\_\_\_\_  
Signature of Defendant

\_\_\_\_\_  
Print Name

\_\_\_\_\_  
Address

**DISTRICT COURT OF WASHINGTON  
FOR THE COUNTY OF WHITMAN**

**STATE OF WASHINGTON,  
vs.**

**Plaintiff**

\_\_\_\_\_  
**Defendant.**

No. \_\_\_\_\_

**Order on Motion to Vacate  
Marijuana Conviction**

Vacated (in full or in part)

**(ORVCJG)**

Not vacated **(ORVCJD)**

**Clerk's Action Required: 3, 9**

**The Defendant** filed a motion for an order to vacate a misdemeanor marijuana conviction under RCW 9.96.060. The court heard argument of the parties and considered the case records and files, and the pleadings submitted on the matter.

**The court finds:**

1.  Adequate notice  was  was not given to the appropriate parties and agencies.
2.  The defendant was 21 years of age or older at the time the defendant committed the offense(s).

**The court orders:**

3. Based on the motion, the court orders that the following offense(s) is/are:  
Count No: \_\_\_\_ Offense: \_\_\_\_\_  Vacated  Not vacated  
Count No: \_\_\_\_ Offense: \_\_\_\_\_  Vacated  Not vacated  
Count No: \_\_\_\_ Offense: \_\_\_\_\_  Vacated  Not vacated

**For the counts in which the court vacated the conviction, the court further orders that:**

4.  The defendant's guilty plea for the offense is withdrawn and a not guilty plea is entered.  
 The guilty verdict for the offense is set aside.
5. The charging document is dismissed and the judgment and sentence is vacated.
6. The defendant shall be released from all penalties and disabilities resulting from the offense. For all purposes, including responding to questions on employment or housing applications, the defendant may state that he or she has never been convicted of that offense.

7. The fact that the defendant has been convicted of the offense shall not be included in defendant's criminal history for purposes of determining a sentence in any subsequent conviction. Although a vacated conviction will not be used for subsequent sentencing purposes, it 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, no-contact order, or protection order restraining or enjoining the person or restraining the person from going onto the grounds of or entering a residence, workplace, school, or day care, or prohibiting the person from knowingly coming within, or knowingly remaining within, a specified distance of a location; or (ii) stalking.

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.

8.  The defendant has paid costs incurred by the court and probation services in the amount of \$\_\_\_\_\_.

The defendant is indigent and costs are waived. RCW 9.96.060(7).

9. 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(s) as listed in paragraph 3. The Washington State Patrol shall transmit a copy of this order to the Federal Bureau of Investigation. The Washington State Patrol or 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).

Dated: \_\_\_\_\_

\_\_\_\_\_  
Judge/Commissioner

Submitted by: \_\_\_\_\_

Approved: \_\_\_\_\_

\_\_\_\_\_  
Defendant/Attorney for Defendant/WSBA #

\_\_\_\_\_  
Deputy Prosecuting Attorney/WSBA #

\_\_\_\_\_  
Print Name

\_\_\_\_\_  
Print Name