

Received at Malibu Courthouse
(Date) 08-18-09

CR-180

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): Blair Berk (Cal. Bar No. 159087) [REDACTED]		FILED LOS ANGELES SUPERIOR COURT OCT - 6 2009 John A. Clarke, Executive Officer/Clerk <i>Michelle Knipprath</i> BY MICHELLE KNIPPRATH, DEPUTY
E-MAIL ADDRESS (Optional): ATTORNEY FOR (Name): Mel Gibson PEOPLE OF THE STATE OF CALIFORNIA v. DEFENDANT: Mel C. Gibson		
FAX NO. (Optional): (310) 550-7055		CASE NUMBER: GMB01891
PETITION AND ORDER FOR EXPUNGEMENT (Pen. Code, §§ 17, 1203.4, 1203.4a)		
DEFENDANT'S INFORMATION CR. A27577735 DRIVER'S LIC #: A3463191 (California) SSN # (LAST FOUR DIGITS ONLY): DATE OF BIRTH: 01/03/1956		

PETITION

1. On (date): 08/17/06 the defendant in the above-entitled criminal action was convicted of a violation of section(s) (specify): 23152 (b) of the (specify): Vehicle Code.

2. This offense was a misdemeanor felony.

Felony offense (Pen. Code, § 17):

The offense listed above is a felony that may be reduced to a misdemeanor under Penal Code section 17.

3. Offense with probation granted (Pen. Code, § 1203.4):

Probation was granted on the terms and conditions set forth in the docket of the above entitled court; the defendant is not serving a sentence for any offense, nor on probation for any offense, nor under charge of commission of any crime, and the defendant has

a. fulfilled the conditions of probation for the entire period thereof.

b. been discharged from probation prior to the termination of the period thereof.

4. Offense with sentence other than probation (Pen. Code, § 1203.4a):

Probation was not granted; more than one year has elapsed since the date of pronouncement of judgment. The defendant has complied with the sentence of the court and is not serving a sentence for any offense nor under charge of commission of any crime, and since said pronouncement of judgment has lived an honest and upright life, and conformed to and obeyed the laws of the land.

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Petitioner requests that defendant be permitted to withdraw the plea of guilty, or that the verdict or finding of guilt be set aside and a plea of not guilty be entered and the court dismiss this action under section 1203.4 or 1203.4a of the Penal Code.

Petitioner requests that the felony charge be reduced to a misdemeanor under Penal Code section 17.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on: 07/31/09

(DATE)

at Los Angeles

(CITY)

California



(SIGNATURE)

Blair Berk, Esq. Attorney for Mel C. Gibson

9119 Sunset Boulevard

(ADDRESS, DEFENDANT)

Los Angeles

(CITY)

California

(STATE)

90069

(ZIP CODE)

ORDER

- The court denies the above petition.
- The court grants the above petition. The court finds from the records on file in this case, and from the foregoing petition, that the defendant is eligible for the relief requested.
- The court reduces the felony offense to a misdemeanor.
- It is ordered that the plea, verdict, or finding of guilt in the above entitled action be set aside and vacated and a plea of not guilty be entered; and that the complaint be, and is hereby, dismissed. If this order is granted under the provisions of Penal Code section 1203.4, the defendant is required to disclose the above conviction in response to any direct question contained in any questionnaire or application for public office or for licensure by any state or local agency, or for contracting with the California State Lottery.
- If the order is granted under the provisions of either Penal Code section 1203.4 or 1203.4a, the defendant is released from all penalties and disabilities resulting from the offense except as provided in Penal Code sections 12021 and 12021.1 and Vehicle Code section 13555. The dismissal does not permit a person to own, possess, or have in his or her control a firearm if prevented by Penal Code sections 12021 or 12021.1.

Date:

10/6/09



(JUDICIAL OFFICER)