

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

1. The court
 - a. grants the request for appointment of counsel.
 - b. denies the request for appointment of counsel because the Moving Party has not shown (choose all that apply)
 - a prima facie case
 - indigency.

2. **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.

3. **FOR PURPOSES OF PENAL CODE SECTION 1473.7(a)(1) RELIEF, THE COURT**
 - a. finds good cause to grant denies the request that the court hold the hearing without the personal presence of the Moving Party.
 - b. deems the motion timely because the Moving Party did not receive, or acted with reasonable diligence after receiving, notice from immigration authorities.
 - exercises its discretion to deem the motion timely.
 - deems the motion untimely and dismisses the motion after a hearing (*People v. Alatorre* (2021) 70 Cal.App.5th 747).
 - 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 conviction or sentence.
 - d. permits the Moving Party to withdraw the plea of guilty or nolo contendere and enter a plea of not guilty.

4. **FOR PURPOSES OF PENAL CODE SECTION 1473.7(a)(2) RELIEF, THE COURT**
 - a. finds good cause to grant denies the request that the court hold the hearing without the personal presence of the Moving Party.
 - b. finds that the Moving Party filed without undue delay from the date the Moving Party discovered, or could have discovered through the exercise of due diligence, the evidence of actual innocence.
 - c. finds that the Moving Party failed to file the motion without undue delay from the date the Moving Party discovered, or could have discovered through the exercise of due diligence, the evidence of actual innocence, and dismisses the motion after a hearing.

DEFENDANT:	CASE NUMBER:
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4. d. grants denies the Moving Party's request to vacate the conviction or sentence based on newly discovered evidence of actual innocence. The court's basis for this ruling is specified below:

e. permits the Moving Party to withdraw the plea of guilty or nolo contendere and enter a plea of not guilty.

Date: _____
(JUDICIAL OFFICER)