**Superior Court of Washington**

**County of**

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| **State of Washington**, Plaintiff,  vs.  \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_,  Defendant. DOB  PCN:  SID: | **No**.  **Motion and Declaration for Order Vacating Record of Felony Conviction**  (**MTAF)** |

**I. Motion**

**Defendant** asks the court for an order vacating the record of his or her conviction of a felony offense the defendant committed on or after July 1, 1984. This motion is based on RCW 9.94A.640, the case record and files, and the declaration of defendant.

Dated:

Defendant/ Defendant's Attorney/ WSBA No.

Print Name

**II. Declaration of Defendant**

2.1 I, , declare as follows:

Count: \_\_\_\_\_\_ Offense (include degree): \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ RCW\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_.

Count: \_\_\_\_\_\_ Offense (include degree): \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ RCW\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_.

Count: \_\_\_\_\_\_ Offense (include degree): \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ RCW\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_.

Count: \_\_\_\_\_\_ Offense (include degree): \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ RCW\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_.

2.2 I was discharged under RCW 9.94A.637, effective \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ (date) for the offenses listed in paragraph 2.1 (RCW 9.94A.640).

2.3 There are no criminal charges pending against me in any court of this state or another state, or in any federal court (RCW 9.94A.640(2)(a).

2.4 The offense for which I was convicted is **not** one of the following offenses (RCW 9.94A.640(2)(b) and (g):

|  |
| --- |
| A violent offense (including all Class A felonies) as defined in  RCW 9.94A.030 |
| A crime against persons as defined in RCW 43.43.830, except I can vacate my conviction if it was for one of the following crimes **and** the conviction did **not** include a firearm, deadly weapon, or sexual motivation enhancement:   * Assault in the second degree (RCW 9A.36.021) * Assault in the third degree (RCW 9A.36.031) when not committed against a law enforcement officer or peace officer * Robbery in the second degree (RCW 9A.56.210) |
| A felony described in RCW 46.61.502 or 46.61.504 |

2.5 [ ] The offense I committed was a class B felony and I have not been convicted of any new crime in this state, another state, or federal court in the last 10 years. (RCW 9.94A.640(2)(c)).

*Or*

[ ] The offense I committed was a class C felony and I have not been convicted of any new crime in this state, another state, or federal court in the last five years. (RCW 9.94A.640(2)(d)).

2.6 [ ] The offense I committed was a class B felony and at least ten years have passed since the later of my: a) release from community custody, b) release from full and partial confinement; or c) sentencing date (RCW 9.94A.640(2)(e)).

*Or*

[ ] The offense I committed was a class C felony, other than a class C felony described in RCW 46.61.504(6), and at least five years have passed since the later of my:   
a) release from community custody, b) release from full and partial confinement; or   
c) sentencing date (RCW 9.94A.640(2)(f)).

I declare under penalty of perjury under the laws of the state of Washington that the foregoing is true and correct.

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

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Defendant Print Name

Address \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**Attach the following documents**:

**Copy of judgment and sentence**

**Copy of certificate of discharge, or other document showing completion of all conditions of sentence**

**Copy of current criminal history**