

RAP Analysis Step by Step: RAP Sheet Organizing

- Chronology: cases are often out of order. Put them in order first!
- Supervision/on probation/in proceedings (check the last entry)
- For those finishing probation within 6 months, treat the convictions as if they are off probation
- Reduction remedies are available anytime, even if already dismissed or currently on supervision.

RAP Analysis Step by Step: *Check for disqualifying prior convictions*

- Some remedies are not available to people with prior serious or violent crimes, or who are required to register as sex offenders. Check the entire RAP for these disqualifiers first.
 - Prior or concurrent superstrikes – disqualifying for Prop. 47 (rare)
 - Prior or concurrent serious and violent crimes – disqualifying for 1203.42
 - Prior or concurrently imposed duty to register as sex offender – disqualifying for Prop. 47 and 1203.42.

Expungement: §1203.4: “Successfully completed probation”

Successfully completed:

- *Probation was terminated early pursuant to 1203.3 PC (beware of the language “early termination” or “early dismissal” it rarely means probation was successful)*
- *No further adjudications (such as a conviction or probation violation) during probation period*
- *Arrest that does not lead to conviction is ok (due process)*

Expungement: §1203.4: “Not successfully completed probation”

Not Successfully Completed:

- Probation is modified, extended, or reinstated
- Probation is “terminated unsuccessfully” (resulting in jail time in current case or different case)
- Probation is “revoked”- be careful!
- Conviction in another case
- Incarceration in another case

Expungement: §1203.4: “Not successfully completed probation”

Examples:

20170216

DISPO:PROB VIOL/REV AND/OR REINSTATE W/SEN MOD
SEN: WORK PROGRAM

Expungement: §1203.4: “Not successfully completed probation”

Examples:

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- - - -  
COURT:                NAM:001  
19931124  CASC SACRAMENTO  
  
CNT:001      #93F08647  
  245 (A) (1) PC-FORCE/ADW NOT FIREARM:GBI LIKELY      TOC:F  
*DISPO:CONVICTED  
  CONV STATUS:FELONY  
  SEN: 048 MONTHS PROBATION, 180 DAYS JAIL, IMP SEN SS, CONSECUTIVE  
  
19940815  
DISPO:PROBATION MODIFIED/JAIL  
  COM: 30 DAYS JAIL, CS  
  
19950407  
DISPO:PROBATION REVOKED/JAIL  
  COM: 45 DS JL,CONS  
  
19970728  
DISPO:PROBATION MODIFIED  
  COM: FNSS,RESTN  
* * * *
```

Expungement: §1203.4: “Not successfully completed probation”

Examples:

```
CNT:003
647(F) PC-DISORDERLY CONDUCT:INTOX DRUG/ALCOH   TOC:M
*DISPO:CONVICTED
  CONV STATUS:MISDEMEANOR
  SEN: 036 MONTHS PROBATION, 043 DAYS JAIL, FINE, RESTN,
  IMP SEN SS
  COM: 13 DAYS JAIL SUSP

20040708
DISPO:PROBATION MODIFIED
  COM: PROB EXT TO EXPIRE 02-04-06

20050425
DISPO:PROBATION MODIFIED
  COM: PROB TO EXP 020807

20060221
DISPO:PROBATION MODIFIED
  COM: PROB TO EXP 03-07-07

20060630
DISPO:PROBATION REINSTATED
  COM: PROB EXTD TO 06-30-09

20070327
DISPO:PROBATION REINSTATED
  COM: PROB NOW DUE TO EXPIRE 07-14-2009

20070927
DISPO:PROBATION TERMINATED UNSUCCESSFULLY
  COM: JAIL
* * * *
```

Expungement: §1203.4: “Probation revoked”

Felonies only:

- If probation is “revoked,” case is treated as if probation was never granted. Ignore probation and analyze based on the jail or prison sentence. 1203.4 no longer applies.

Examples:

- Probation revoked and prison imposed;
- Probation revoked and “felony jail” imposed (realignment sentencing)
- Probation revoked in ANOTHER case and prison or felony jail imposed.

Expungement: §1203.4: “Probation Revoked”

Examples:

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- - - -
COURT:                                NAM:001
19950403  CASC SOLANO

CNT:001      #C39013
  11359 HS-POSSESS MARIJUANA FOR SALE          TOC:F
*DISPO:CONVICTED
  CONV STATUS:FELONY
  SEN: 036 MONTHS PROBATION, 090 DAYS JAIL, IMP SEN SS

19961105
DISPO:PROBATION MODIFIED
  SEN: 180 DAYS JAIL

19980617
DISPO:PROBATION REINSTATED
  COM: PROB EXTND 2 YRS

19990630
DISPO:PROBATION REVOKED
  COM: 2 YRS PRISON, CC
* * * *
```

Expungement: §1203.4: “Not successfully completed probation”

Examples:

```
- - - -
COURT:                               NAM:001
19931124  CASC SACRAMENTO

CNT:001      #93F08647
  245(A)(1) PC-FORCE/ADW NOT FIREARM:GBI LIKELY      TOC:F
*DISPO:CONVICTED
  CONV STATUS:FELONY
  SEN: 048 MONTHS PROBATION, 180 DAYS JAIL, IMP SEN SS, CONSECUTIVE

19940815
DISPO:PROBATION MODIFIED/JAIL
COM: 30 DAYS JAIL, CS

19950407
DISPO:PROBATION REVOKED/JAIL
COM: 45 DS JL,CONS

19970728
DISPO:PROBATION MODIFIED
COM: FNSS,RESTN
* * * *
```

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