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IN THE MUNICIPAL COURT OF TACOMA
PIERCE COUNTY, STATE OF WASHINGTON

CITY OF TACOMA,

Plaintiff,

vs.

Defendant.

NO. _____

**FINDINGS OF FACT,
CONCLUSIONS OF LAW AND
ORDER**

VACATING CONVICTION
AND DISMISSING CHARGE
PURSUANT TO LAWS OF 2001,
CHAPTER 140

DENYING MOTION TO
VACATE CONVICTION
PURSUANT TO LAWS OF 2001,
CHAPTER 140

THIS MATTER having been duly and regularly brought before the above
entitled Court on the motion of the Defendant for the vacation of the conviction for

_____ (name of crime(s)) entered in this matter
and for the dismissal of the charging document pursuant to Laws of 2001, chapter 140;
the Defendant being represented by _____; and
the City appearing by and through the undersigned Assistant City Attorney; and the
Court having reviewed the records and files herein and heard the arguments of counsel
and being fully advised, now makes the following:

1 **FINDINGS OF FACT**

2 **I.**

3 The defendant was convicted of the following crime(s) _____
4 _____

5 **II.**

6 Sentence was pronounced on _____

7 The defendant completed all of the terms of the sentence on _____

8 The defendant has yet to complete all of the terms of the sentence. Specifically,
9 the defendant has failed to _____

10 **III.**

11 The defendant [is], or [is not] currently charged with a crime in Washington, in any
12 other state or in any federal court.

13 **IV.**

14 The defendant [has], or [has not] been convicted of any new crimes in Washington,
15 in any other state or in any federal court since being convicted in this case.

16 **V.**

17 The defendant [has], or [has not] not been previously granted the vacation of a
18 conviction.

19 **VI.**

20 The defendant [is], or [is not] currently restrained by a domestic violence protection
21 order, a no-contact order, an antiharassment order, or a civil restraining order that
22 restrains one party from contacting the other party. The defendant [has], or [has
23 not] been previously restrained by a domestic violence protection order, a no-contact
24 order, an antiharassment order, or a civil restraining order that restrains one party from
25 contacting the other party within five years prior to the vacation application.

26 **VII.**

The victim of the instant offense [was], or [was not] a family or household member.

VIII.

The defendant [has], or [has not] been previously convicted of a domestic violence
offense.

6
7 From the foregoing Findings of Fact, the Court now makes the following:

8 **CONCLUSIONS OF LAW**

9 I.

10 The above-entitled Court has jurisdiction over the subject matter and parties of this
11 action.

12 II.

13 The defendant [is], or [is not] eligible to have the conviction entered in this
14 case vacated pursuant to Laws of 2001, ch. 140.

15 From the foregoing Conclusions of Law, the Court now makes the following:

16 **ORDER**

17 The defendant's guilty plea is withdrawn and a not guilty plea is entered or the
18 verdict of guilty is set aside, and the charging document against the defendant is
19 DISMISSED and the judgment and sentence is hereby VACATED. The clerk of the
20 court shall immediately transmit a copy of this order to the Washington State Patrol
21 Identification Section and to the following local police agencies:

22 _____
23 The defendant's motion to vacate conviction pursuant to Laws of 2001 is
24 DENIED.

25 DONE IN OPEN COURT this _____ day of _____, 20____.

26 _____
JUDGE

PRESENTED BY: _____ Defendant/attorney for Defendant WSBA No. _____	APPROVED FOR ENTRY: _____ Assistant City Attorney WSBA No. _____
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