

**SPOKANE COUNTY SUPERIOR COURT INSTRUCTIONS RE
MOTION FOR RCW 9.94A.640 VACATION OF RECORD OF CONVICTION**

For your information:

1. Successful Completion of this process WILL NOT EXPUNGE a criminal conviction from your record.
2. Successful completion of this process will change the designation of your conviction history to reflect successful completion of probation, defer.

INSTRUCTIONS

1. This packet contains an Instruction sheet, Information sheet, and three forms - a Motion and Declaration for Order Vacating Record of Felony Conviction, a Notice of Motion for Order Vacating Conviction, and an Order on Motion Re Vacating Record of Felony Conviction.
2. Please complete the Motion and Declaration and Notice of Motion forms.
3. Attach a certified copy of the Certificate of Discharge to the Motion. If the offense is out of county or out of state, you must contact that court to obtain the necessary order.
4. You must also attach to the Motion a certified copy of your record of all criminal convictions. In order to obtain your record, you must contact the Washington State Patrol and they will make a copy of your state criminal record for a fee. This record must be attached to your Motion. The Washington State Patrol can be contacted as follows: Washington State Patrol, Identification and Criminal History Section, P.O. Box 42633, Olympia, WA 98504-2633, (360) 705-5100, <https://watch.wsp.wa.gov>.
5. Items 3 and 4 above must be attached to your Motion before the Motion is filed in the appropriate court with the Clerk.
6. File the Motion with the Spokane County Superior Court Clerk under the conviction case number.
7. Make at least three copies of the Motion and the documents filed with the Motion.
 - (a) One copy is for your records
 - (b) Take One copy to the Spokane County or City Prosecuting Attorney.
 - (c) Take One copy to the Court Administrator's Office – 3rd floor annex
 - (d) File the original in the clerk office – Rm 300

8. Complete the Notice of Motion form by scheduling your hearing for a Friday at 9:00 a.m., before the Civil Presiding Department. Set the hearing at least 12 days from the date the Motion was filed.
9. You must serve the appropriate Prosecuting Attorney's office with a copy of your Motion and attachments and a copy of the Notice of Motion that indicates the date and time of hearing. In Spokane County, please provide a copy (signed by the defendant) of your proposed Order for Vacation of Felony Conviction with the documents you serve on the Spokane County Prosecutor's Office.
10. Please provide a current phone number and address. If the Prosecutor's Office agrees to your order, you will be contacted. Otherwise, you must appear at the scheduled hearing to have your motion heard. Have the Prosecutor's office stamp the original documents accepting service. The Prosecuting Attorney is entitled to a minimum of seven working days notice of the hearing. Serve the papers as soon as possible.
11. When you have completed service and the Prosecutor has "copy received" stamped the original documents, file the original documents with the Court Clerk. This form is your proof the Motion and attachments were served on the Prosecuting Attorney. If it is not made available at the time of hearing, the Order will not be signed.
12. If your Motion is being filed in Spokane County Superior Court, call the Spokane County Superior Court Civil Presiding Department (509) 477-4707 no later than noon two days prior to your scheduled hearing and let the Court know you are ready to proceed with this hearing.
13. Appear in the assigned court on the date and time of hearing and present the Order form, which is in your packet. If the Prosecuting Attorney has an objection to your Motion, the Prosecuting Attorney will be present at the hearing.
14. When your Motion has been filed with the Court Clerk, you must set a hearing date within 60 days of filing the Motion. If you do not, the court will require you to provide updated copies of your criminal record from the Washington State Patrol.