

F I L E D

Clerk of the Superior Court

MAY 30 2012

By: M. CHARTER, Deputy

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8 **IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA**
9 **IN AND FOR THE COUNTY OF SAN DIEGO**
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11 IN THE MATTER OF THE APPLICATION OF:) SCD 130983

12
13 MICHAEL CROWE and
14 JOSHUA TREADWAY,

) ORDER FOR FINDING OF FACTUAL
) INNOCENCE AND TO SEAL AND
) DESTROY RECORDS

15
16 Petitioners
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18 UPON REVIEW OF PETITIONERS' ORIGINAL MOTION FOR A DECLARATION
19 OF FACTUAL INNOCENCE AND RELIEF PURSUANT TO PENAL CODE § 851.8, AND
20 HEARING ORAL ARGUMENT, THIS COURT FINDS AS FOLLOWS:

21 On February 25, 1999, the Court dismissed the charges of one count of murder (Penal
22 Code § 187(a)) and one count of conspiracy (Penal Code § 182(a)(1)) against petitioners.

23 Upon hearing oral argument on May 22, 2012, this Court found petitioners to be factually
24 innocent of these charges pursuant to Penal Code § 851.8(c).

25 Therefore, based upon this finding, the Court makes the following orders pursuant to
26 Penal Code § 851.8(b):

27 (1) The law enforcement agency having jurisdiction over the offense (herein including
28 but not limited to the Escondido Police Department), the Department of Justice, and any law

1 enforcement agency which arrested the petitioners or participated in the arrest of the petitioners
2 for the above-referenced offenses for which the petitioners have now been found factually
3 innocent under this section to seal their records of the arrest;

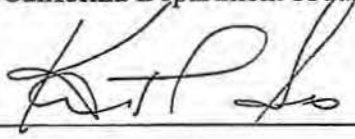
4 (2) All above-referenced law enforcement agencies and the Department of Justice to seal
5 and destroy the records for three years from the date of the arrest and thereafter to destroy their
6 records of the arrest and the court order to seal and destroy those records;

7 (3) The law enforcement agency having jurisdiction over the offense and the Department
8 of Justice to request the destruction of any records of the arrest which they have given to any
9 local, state, or federal agency, person or entity. Each state or local agency, person or entity
10 within the State of California receiving such a request shall destroy its records of the arrest and
11 the request to destroy the records, unless otherwise provided in this section.

12 It is further ordered that the Clerk serve a copy of this Order upon (1) Petitioners Michael
13 Crowe and Joshua Treadway through their attorneys of record, Milton J. Silverman and Mary
14 Ellen Attridge (2) Attorney Silverman, (3) Attorney Attridge (4) the Escondido Police
15 Department, (5) Deputy San Diego District Attorney Gary Schons; (6) California Attorney
16 General Deputies David Druliner and Jim Dutton; and (7) the California Department of Justice.

17 IT IS SO ORDERED.

18 DATED: 5-30-12



KENNETH K. SO
JUDGE OF THE SUPERIOR COURT