

SUPERIOR COURT OF CALIFORNIA COUNTY OF SANTA CLARA	FOR COURT USE ONLY
PLAINTIFF: <p style="text-align: center;">PEOPLE OF THE STATE OF CALIFORNIA</p>	
DEFENDANT <i>Self-Represented</i> Name: Street Address: City, State, Zip Code: Phone:	
<input type="checkbox"/> PETITION TO REDESIGNATE FELONY CONVICTION AS MISDEMEANOR (PC §1178.18(f)) <i>(Use when sentence is completed and you are not on probation, parole, or supervision)</i>	<input type="checkbox"/> PETITION FOR RESENTENCING (PC §1170.18(a)) <i>(Use when you are still in custody or on probation or supervision)</i>
CASE NUMBER:	

1. I am the Defendant in the above-captioned case and was convicted of the following offenses (*list all counts that you think are eligible for resentencing or redesignation*):

2. **The value of stolen property or checks does not exceed \$950.**
3. I have never been convicted of any of the "Disqualifying Offenses" listed on the back of this petition.
4. A copy of this petition has been served on the Santa Clara County District Attorney, 70 West Hedding St., West Wing, San José, CA 95110.

5. PETITION TO REDESIGNATE FELONY CONVICTION(S) AS MISDEMEANOR(S):

- a. I have completed my sentence and am no longer on probation, parole, Post Release Community Supervision, or Mandatory Supervision. I hereby petition to have the eligible felony conviction(s) designated as a misdemeanor(s).
- b. A hearing is not required to decide the petition. I (*check one of the following boxes*) do not request a hearing on this petition; request a hearing on this petition; request a hearing only if the petition is opposed.

6. PETITION TO RECALL FELONY SENTENCE AND RESENTENCE AS MISDEMEANOR(S):

- a. I am in custody at _____, and my release date is ___/___/___; or
 I am out of custody and on parole on formal probation on PRCS or mandatory supervision.
- b. I hereby petition to have my sentence recalled and to be resentenced.

7. I understand that if my petition is granted, I will still be prohibited from owning, possessing, or having custody or control of any firearm.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge and belief, and that this petition is executed on (*date*): _____, 20____.

(Signature of Petitioner)

8. DISTRICT ATTORNEY RESPONSE (*must be filed within 30 days of service of the petition*)

- a. The District Attorney requests that the petition be GRANTED
- b. The District Attorney requests that the petition be DENIED for the following reason(s):
 - (1) The defendant has a prior conviction under PC § 667(e)(2)(C)(iv) and/or a conviction requiring registration under PC § 290(c) (*list convictions by docket # and code section*)
 - (2) The following felony offenses do not qualify for resentencing or redesignation (*list each count and code section and provide a brief explanation*)
 - (3) The defendant poses an unreasonable risk to public safety as defined in PC § 1170.18(c)

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge and belief and that the response is executed on (*date*) _____, 20____.

Deputy / Assistant District Attorney D# _____

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A copy of the Petition must be served on the District Attorney by mailing a copy to the address on the front of this petition, or by asking the clerk to place a copy in the District Attorney pick-up box in the clerk’s office.

Petition to Redesignate Felonies as Misdemeanors – Additional Information

The Court will issue an order on your petition within 60 days. A hearing is not required to decide your petition.

If your petition is granted, you will receive a copy of the order for your records.

If the Court finds that you are not eligible to have your felonies reduced, you may receive a written order explaining the reason your petition was denied. If you wish to do so, you may request a hearing within 30 days of that notice and will receive written notification of the date and time to appear in court.

Petition for Resentencing – Additional Information

If the Court finds that you are eligible for resentencing, counsel may be appointed to represent you and will contact you directly at the address you have provided. *(You may wish to include a telephone number for this purpose.)*

If you are ineligible for resentencing you will receive a written order explaining the reason your petition is being denied. If you wish to do so, you may request a hearing within 30 days of that notice, and will receive written notification of the date and time to appear in court.

LIST OF DISQUALIFYING OFFENSES (Penal Code § 667(e)(2)(C)(2)(iv), Penal Code §290(c))

<input type="checkbox"/> Any “sexually violent offense” (W&I §6600(b)): Any of the following acts when committed by force, violence, duress, menace, fear of immediate and unlawful bodily injury or threatening to retaliate in the future: (A) <input type="checkbox"/> rape (PC §261) <input type="checkbox"/> rape of a spouse (PC §262) <input type="checkbox"/> rape, rape of a spouse or penetration by foreign object in concert (PC §261.4) <input type="checkbox"/> sodomy (PC §286) <input type="checkbox"/> lewd or lascivious act on child or dependent person (PC §288) <input type="checkbox"/> oral copulation (PC §288a) <input type="checkbox"/> continuous sexual abuse of a child (PC §288.5) <input type="checkbox"/> penetration by foreign object (PC §289) Any of the following when committed with intent to commit an offense listed in (A) (B) <input type="checkbox"/> kidnapping (PC §207) <input type="checkbox"/> aggravated kidnapping (PC §209) <input type="checkbox"/> assault (PC §220)
<input type="checkbox"/> Oral copulation, sodomy, or sexual penetration with a child under 14 and more than 10 years younger than defendant (PC §288a, PC §286, or PC §289)
<input type="checkbox"/> A lewd or lascivious act with a child under 14 (PC §288)
<input type="checkbox"/> Any homicide or attempted homicide (PC §187 – 191.5)
<input type="checkbox"/> Solicitation to commit murder (PC §653f)
<input type="checkbox"/> Assault with a machine gun on peace officer or firefighter (PC §245(d)(3))
<input type="checkbox"/> Possession of a weapon of mass destruction (PC §11418(a)(1))
<input type="checkbox"/> Any serious or violent felony punishable in California by life imprisonment or death
<input type="checkbox"/> Any offense requiring lifetime sex offender registration under PC § 290(c)