

<b>SUPERIOR COURT OF CALIFORNIA COUNTY OF SANTA CLARA</b>	
PLAINTIFF: <p style="text-align:center;"><b>PEOPLE OF THE STATE OF CALIFORNIA</b></p>	
DEFENDANT:	
<b>WAIVER AND STIPULATION FOR RESENTENCING or REDESIGNATION OF OFFENSES (Penal Code §1170.18)</b>	CASE NUMBER:

**THE DISTRICT ATTORNEY AND DEFENDANT, HAVING REVIEWED THE DEFENDANT’S ENTIRE CRIMINAL HISTORY RECORD AND RECORD OF THE CURRENT CONVICTION, HEREBY STIPULATE AND AGREE:**

1. Any right to have the petition for resentencing decided by the original sentencing court is waived.
2. The following felony offenses would have been misdemeanor offenses if committed before November 5, 2014 (*list all eligible counts and code sections*)
3. The defendant has no prior convictions that are listed in Penal Code §667(e)(2)(C)(2)(iv), or that require sex offender registration under Penal Code §290(c).

**4.  PETITION FOR RESENTENCING:**

- a.  The defendant is currently  in custody at \_\_\_\_\_ His/her expected release date is \_\_\_/\_\_\_/\_\_\_  
 on parole  on probation  on PRCS  on Mandatory Supervision
- b.  The defendant does not pose an unreasonable risk to public safety, as defined in Penal Code §1170.18(c).
- c.  The District Attorney has provided the required notice to any victim(s) under *Marsy’s Law*.
- d.  The defendant is eligible to be resentenced under Penal Code §1170.18(b) and requests a hearing for that purpose on  
  
Date: \_\_\_\_\_, 20\_\_\_\_ at \_\_\_\_\_  a.m.  p.m. in Department No: \_\_\_\_\_

**5.  PETITION FOR REDESIGNATION OF OFFENSES:**

- a.  The defendant has completed his/her sentence and is not in custody in this case or on probation, parole, PRCS, or mandatory supervision.
- b.  The defendant is eligible to have the felony convictions listed above be designated as misdemeanors under Penal Code §1170.18(f) and the Court may issue an order redesignating those offenses without a hearing.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge and belief.

Date: \_\_\_\_\_ Defendant or Attorney for Defendant      Date: \_\_\_\_\_ District Attorney      D# \_\_\_\_\_

**COURT ORDERS**

- The Petition is DENIED.
- The Petition for resentencing of offenses is GRANTED. The matter is calendared for resentencing as requested in item 4 above.
- The Petition for redesignation of offenses is GRANTED. The felony offenses listed in item 2 are hereby designated misdemeanors for all purposes except as provided in Penal Code §1170.18(k).
- (*Other orders*):

\_\_\_\_\_  
Judicial Officer of the Superior Court