

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

PEOPLE OF THE STATE OF CALIFORNIA v.  DEFENDANT:	CASE NUMBER:
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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)