

<b>SUPERIOR COURT OF CALIFORNIA COUNTY OF SANTA CLARA</b>		
PLAINTIFF:	<b>PEOPLE OF THE STATE OF CALIFORNIA</b>	
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:**

- Any right to have the petition for resentencing decided by the original sentencing court is waived.
- The following felony offenses would have been misdemeanor offenses if committed before November 5, 2014 (*list all eligible counts and code sections*)
- 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:**

- The defendant is currently  in custody at \_\_\_\_\_ His/her expected release date is \_\_\_/\_\_\_/\_\_\_  
 on parole  on probation  on PRCS  on Mandatory Supervision
- The defendant does not pose an unreasonable risk to public safety, as defined in Penal Code §1170.18(c).
- The District Attorney has provided the required notice to any victim(s) under *Marsy’s Law*.
- 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:**

- The defendant has completed his/her sentence and is not in custody in this case or on probation, parole, PRCS, or mandatory supervision.
- 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