Prepared by:
____ Mendocino County Public Defenders Office
____ Mendocino County Alternative Defenders Office
____ Private Counsel: _____
____ In Propria Persona (Pro Per)

SUPERIOR COURT OF CALIFORNIA
COUNTY OF MENDOCINO

THE PEOPLE OF THE STATE OF CALIFORNIA PLAINTIFF/RESPONDENT, vs. _____, DEFENDANT/PETITIONER.	Docket No. _____ PETITION FOR RESENTENCING [Penal Code § 1170.18 (Prop 47)]; PROSECUTION REPLY; AND COURT ORDER ☐ Resentencing Requested ☐ Reduction to Misdemeanor Requested

[ ] Petitioner alleges she/he is entitled to conviction modification following the passage of Proposition 47 because she/he stands convicted of a qualifying offense under PC § 1170.18.

[ ] Petitioner alleges she/he has no disqualifying prior convictions. (PC § 667(e)(2)(iv)).

[ ] Petitioner alleges she/he is not a sex registrant. (PC § 290(c)).

[ ] Petitioner seeks reduction of a felony conviction to a misdemeanor for a completed sentence/probation.

[ ] Petitioner seeks reduction of a felony conviction to a misdemeanor for a sentence still being served and hereby requests resentencing. Petitioner is currently:

[ ] Incarcerated on this case and housed at: _____

[ ] On formal probation and supervised by: _____

[ ] Participating in a collaborative court program (i.e., drug court, etc.)

In addition to any reduction from felony to misdemeanor, petitioner additionally requests:

[ ] Termination of probation terms and conditions. [ ] Fines and/or fees consideration.

[ ] Release from custody and placement on summary/informal/court probation.

[ ] Reconsideration and reduction of jail/prison time previously imposed.

[ ] Petitioner agrees to have <u>any judge</u> designated by the local Presiding Judge hear this matter and not the judge who imposed the sentence to be reconsidered. (PC § 1170.18(f)-(g)).

[ ] Petitioner waives his/her right to be personally present for hearing on this petition in the event (1) the DA is not objecting, and (2) the Court is willing to grant the relief being requested.

[ ] Petitioner respectfully requests a hearing in the event of objections by the DA's Office.

Dated:

_____
Petitioner/Attorney for Petitioner

[ ] DA does not objection to Petitioner's completed felony conviction being reduced to a misdemeanor.

[ ] DA agrees Petitioner has completed his/her sentence and felony conviction may be reduced for all purposes without any additional relief required.

[ ] DA agrees Petitioner is still serving a sentence, is eligible for reduction, and a hearing should be scheduled for hearing on resentencing. [ ] *Arbuckle* waiver.

[ ] DA asserts Petitioner's conviction(s)/current sentence was/were part of a larger plea bargain where non-Prop 47 charges were dismissed; all original charges should be reinstated.

[ ] The DA objects and states that Petitioner is not entitled to Proposition 47 relief because:

[ ] Unreasonable risk of danger to public safety. (PC § 1170.18(b)(1-3); (c))

[ ] Other: _____.

Dated:

_____
Deputy District Attorney

ORDER

[ ] The Petition is GRANTED. Applicable count(s) is/are reduced to misdemeanor(s) for all purposes as follows: _____.

[ ] The Petition is set for hearing on _____ at _____ AM/PM in Dept. _____.

[ ] The Petition is DENIED for the following reason(s): _____
_____

[ ] Other: _____
_____

Dated:

_____
Judge of the Superior Court