

SUPERIOR COURT OF CALIFORNIA, COUNTY OF STANISLAUS

800 11th Street, Modesto, CA 95354

ATTORNEY OR PARTY WITHOUT ATTORNEY (<i>Name, State Bar number and address</i>)	<i>FOR COURT USE ONLY</i>
TELEPHONE NO.: _____ FAX NO.: _____ E-MAIL ADDRESS.: _____ ATTORNEY FOR (<i>NAME</i>): _____	Case Number: _____
PEOPLE OF THE STATE OF CALIFORNIA vs. DEFENDANT: _____	
PETITION FOR RESENTENCING AND RESPONSE (Penal Code § 1170.18)	

Instructions

- Petitioner must complete the petition and indicate whether a request is made for resentencing or reduction to misdemeanor.
- Petitioner is required to immediately provide notice by providing a copy of the Petition to the District Attorney.
- The District Attorney is required to complete the Response, file with the court, and provide notice by providing a copy to the Petitioner.

The Defendant in the above-captioned case filed a Petition for Resentencing on felony count(s) _____ (count nos.), violation of _____ (code sections) pursuant to Penal Code §1170.18.

Defendant alleges he or she:

- has completed his/her sentence and petitions to have the felony count(s) designated as a misdemeanor(s).
- is still serving a sentence on the felony count(s) and petitions for resentencing.

Date: _____

Attorney or Party without Attorney

TO BE FILLED OUT BY THE PROSECUTING AGENCY ONLY:

The District Attorney responds:

- The District Attorney agrees that the following counts are eligible for resentencing/reduction _____
- Defendant is not entitled to the relief requested.
Reason: No counts eligible under Pen. Code § 1170.18
 Defendant has at least one prior conviction for an offense under Pen. Code § 667(e)(2)(C)(iv) or for an offense requiring registration pursuant to Pen. Code §290(c).
- A hearing should be held to determine whether defendant poses an unreasonable risk of danger to public safety
 Other: _____
- Defendant has completed his/her sentence and is entitled to have the felony conviction(s) designated as a misdemeanor(s)
- Defendant is still serving his/her sentence and is entitled to resentencing

Date: _____

Deputy District Attorney

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PEOPLE OF THE STATE OF CALIFORNIA vs. DEFENDANT: _____	Case Number: _____
PETITION FOR RESENTENCING - ORDER (Penal Code § 1170.18)	

COURT ORDER

- The Petition is Denied.
- The Petition is granted and the counts identified above are ordered designated as a misdemeanor conviction(s).
 - Felony probation is now ordered converted to
 - misdemeanor formal probation, same terms and conditions.
 - misdemeanor informal probation, same terms and conditions.
- Count(s) _____ are amended to misdemeanor violations of Penal Code § 459.5 / § 666(a) / §484(a) / _____
- Defendant is ordered released forthwith.
- Defendant is ordered to one year of parole, report within _____ days of release of custody.
- _____
- _____
- The matter is ordered set for hearing or resentencing on _____, at _____ a.m / p.m. in Department _____

Reduction does not permit a person to own, possess, or have in his or her custody or control any firearm (Pen. Code §1170.18(k)).

Date: _____

Judge of the Superior Court

CLERK'S CERTIFICATE

The foregoing document, consisting of _____ page(s), is a full, true, and correct copy of the original copy on file in this office.

Clerk of the Superior Court

Date: _____

_____, Deputy