

ATTORNEY OR PARTY WITHOUT AN ATTORNEY (Name, State Bar number, and address): NAME: ADDRESS: CITY, STATE, ZIP: TELEPHONE NO: FAX NO. (Optional): EMAIL ADDRESS (Optional): ATTORNEY FOR (Name):	FOR COURT USE ONLY
SUPERIOR COURT OF CALIFORNIA, COUNTY OF SANTA CRUZ 701 Ocean Street, Room 120 Santa Cruz, CA 95060 Santa Cruz Branch	
PEOPLE OF THE STATE OF CALIFORNIA vs. DEFENDANT: _____ DATE OF BIRTH: _____	
PETITION FOR RESENTENCING (Penal Code § 1170.18 (a))	CASE NUMBER: _____

1. On (date) _____ Petitioner, the defendant in the above-entitled criminal action, was convicted of the following felony offense(s) that have now been reclassified as misdemeanors (specify code(s) and section(s)):

 Petitioner further attests to having no prior convictions for offenses under Penal Code Section 667 (e)(2)(C)(iv) or for offenses requiring registration pursuant to Penal Code Section 290(c).

2. Petitioner requests that the felony sentences be recalled and that the Petitioner be resentenced to a misdemeanor under Penal Code Section 1170.18 (b), (d).

The Court has set a hearing on the petition for the following date and time:
 Date: _____ at 8:15 a.m. in Department: _____

3. Defendant alleges he /she is currently serving a sentence on a felony offense(s) and petitions for resentencing as follows:

a. is incarcerated and is currently housed in: _____

b. is currently under the supervision of (Probation or Parole).

4. Defendant understands the following requirements pursuant to 1170.18:

a. A copy of this petition must be served on the *Santa Cruz County District Attorney's Office* at least 10 court days prior to the hearing.

b. Any felony conviction that is recalled and resentenced under subdivision (b) shall be considered a misdemeanor for all purposes, **except that such resentencing shall not permit that person to own, possess, or have in his or her custody or control any firearms or prevent his or her conviction under Chapter 2 (commencing with Section 29800) of Division 9 of Title 4 Part 6.**

c. **The defendant waives personal appearance for resentencing. By so doing, I consent to resentencing on the offense as a misdemeanor under the same terms and conditions.**

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct to the best of my knowledge and belief, and that this application is executed on date: _____ in the (City/County) _____, State _____.

Signature of applicant: _____

Instructions for use of this form:

Petitions for resentencing must be filed within three years after the effective date of the law (November 5, 2014) or at a later date upon a showing of good cause. Petitions must be filed with the trial court that entered the original judgment unless that judge is unavailable, in which case the presiding judge must designate another judge to rule on the petition.

If the trial court determines that the petitioner is eligible for resentencing, the court must recall the sentence and resentence the petitioner under the new misdemeanor provisions unless the court is its discretion, determines that resentencing the petitioner would pose an unreasonable risk of danger to public safety. The court may consider criminal conviction history, including types of crimes committed, the extent of the injury to victims, the length of the prior commitments, and the remoteness of the crimes, petitioner's disciplinary record and record of rehabilitation while incarcerated, and any other evidence the court, within its discretion, determines to be relevant in deciding whether a new sentence would result in unreasonable risk of danger to public safety.

After you have filed a petition with the trial court, the district attorney's office will help review your case and provide information to the court about your eligibility and whether or not a new sentence would result in unreasonable risk of danger to public safety. The following list of felony offenses are considered disqualifying offenses and shall prevent a defendant from being resentenced:

<input type="checkbox"/> Any "sexually violent offense" (W&I §6600(b)): Any 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, 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)