

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, Address, Telephone No., Email):	<b>FOR COURT USE ONLY</b>
ATTORNEY FOR (NAME): _____ Bar No.: _____	
<b>SUPERIOR COURT OF CALIFORNIA, COUNTY OF ORANGE</b> JUSTICE CENTER: <input type="checkbox"/> Central – 700 Civic Center Drive West, Santa Ana, CA 92701-4045 <input type="checkbox"/> Harbor – 4601 Jamboree Road, Newport Beach, CA 92660-2595 <input type="checkbox"/> North – 1275 North Berkeley Avenue, Fullerton, CA 92832-1258 <input type="checkbox"/> West – 8141 13 <sup>th</sup> Street, Westminster, CA 92683-4593	
People of the State of California <p style="text-align: center;">vs.</p> Defendant/Petitioner: _____	
<b>PETITION FOR RECALL AND RESENTENCING,  NOTICE OF HEARING AND COURT ORDER (PENAL CODE §§ 1172.7, 1172.75)</b>	Case Number(s): _____

I am the  Defendant/Petitioner  Attorney for Defendant/Petitioner in the above-entitled action.

**Defendant/Petitioner declares:**

The Defendant/Petitioner is currently serving a sentence imposed on \_\_\_\_\_ for a total term of \_\_\_\_\_ in the  Orange County Jail  California Department of Corrections and Rehabilitation. The Defendant/Petitioner was convicted of a prior enhancement which now qualifies for relief pursuant to Penal Code §§ 1172.7 and/or 1172.75.

Accordingly, Defendant/Petitioner requests that the court enter an order for recall and resentencing:

**Sentence as to all base count(s) to remain. Defendant/Petitioner requests the Court to strike term(s) imposed on prior(s) pursuant to:**

- Penal Code § 667.5(b)  Health & Safety Code § 11370.2 Modified total of original sentence: \_\_\_\_\_
- Defendant/Petitioner has served the base term and requests immediate release from custody.
- Defendant/Petitioner is on Mandatory Supervision.
- Defendant/Petitioner to remain in-custody to serve the remainder of their new sentence.
- Defendant/Petitioner waives resentencing hearing  Defendant/Petitioner requests to appear remotely  Defendant/Petitioner authorizes Penal Code § 977(b) appearance.
- Defendant requests to be transported from jail/state prison: \_\_\_\_\_ . CDCR#: \_\_\_\_\_
- Defendant requests hearing: \_\_\_\_\_ set on \_\_\_\_\_.
- Date: \_\_\_\_\_  
Type or Print Name Signature of Defendant/Petitioner/Attorney for Petitioner

**People's response:**

- The People agree and waive hearing.  The People agree to hearing requested.
- The People request a hearing regarding the defendant's eligibility for requested resentencing.

Date: \_\_\_\_\_  
Type or Print – Attorney for People Signature of Attorney representing the People

**COURT ORDER**

- The Court hereby orders defendant's sentence recalled and resentenced pursuant to Penal Code §§ 1172.7 and/or 1172.75. Defendant  to be released forthwith  terminated from Mandatory Supervision  to remain in-custody to serve the balance as to this case.
- The matter is hereby set on \_\_\_\_\_ for a hearing regarding resentencing pursuant to Penal Code §§ 1172.7 and/or 1172.75 in Dept. \_\_\_\_\_ at \_\_\_\_\_.  Transportation Order issued.

Date: \_\_\_\_\_  
Signature of Judicial Officer of the Superior Court