

PETITION FOR RESENTENCING OR REDUCTION TO MISDEMEANOR UNDER PENAL CODE § 1170.18

SELF-HELP FORM PACKET



SHC-CRIM-11 (Rev. 08/06/2021)

Self-Help Services can review your completed forms before you file them with the Court. To request review of your completed forms:

1. Complete the attached forms in black ink.
2. Scan your completed forms and save as a single PDF file.
3. Go to **www.occourts.org/self-help** (click the blue button labeled *Click Here to Contact Self-Help Services*), attach the PDF, and complete the online request form. Make sure to select CRIMINAL/TRAFFIC as the case type on the form.

SUPERIOR COURT OF CALIFORNIA, COUNTY OF ORANGE

PETITION FOR RESENTENCE OR RECLASSIFICATION

Penal Code section 1170.18

Information and Instructions

General Information:

Under Penal Code § 1170.18, a person currently serving a sentence, or who has completed a sentence, for a conviction of a felony violation of section 11350, 11357 or 11377 of the Health and Safety Code or section 459.5, 473, 476a, 490.2, 496 or 666 of the Penal Code may be eligible to have the felony conviction designated as a misdemeanor and/or resentenced as a misdemeanor.

How do I know if my sentence is complete or if I am still serving a sentence (boxes 1A and 1B)?

The definitions below are intended to provide general information and do not attempt to provide legal advice and how to submit your petition.

<i>If you have been convicted of one of the eligible felony violations ...</i>	<i>then...</i>
and are currently under supervision (probation, parole, postrelease community supervision (PRCS), mandatory supervision) or are currently in custody,	for purposes of this form, you may select box 1A to indicate you are currently serving a sentence on the felony violation being petitioned.
and are no longer under any form of supervision (probation, parole, postrelease community supervision (PRCS), mandatory supervision) or in custody,	for purposes of this form, you may select box 1B to indicate you have completed your sentence on the felony violation being petitioned.
and are currently diverted pursuant to Penal Code section 1000,	for purposes of this form, you may select box 1B .

Where will the petition be heard?

If the defendant is currently serving a sentence on the violation or has been diverted pursuant to Penal Code section 1000, a hearing will be scheduled at the Central Justice Center.

If the defendant is currently in a collaborative court program on the violation, a hearing will be scheduled at the appropriate collaborative court courtroom.

If the defendant has completed his/her sentence on the violation, the matter will be reviewed by a judge without a formal hearing and the petitioner will be notified of the order by mail.

How long does this process take?

The petition process may take between 90-120 days, or longer, depending on the details of the case and the amount of petitions received by the court.

This information document is for general use and not intended as full and comprehensive instruction governing the laws and rules relating to petitions or applications filed under Penal Code section 1170.18 nor does this information sheet attempt to legally define sentence term phrases. For further information you may refer to Penal Code section 1170.18 or you may wish to seek legal assistance.

SUPERIOR COURT OF CALIFORNIA, COUNTY OF ORANGE

PETITION FOR RESENTENCE OR RECLASSIFICATION

Penal Code section 1170.18

NOTE: Clerks cannot advise or give assistance in the completion of this petition.

INSTRUCTIONS:

1. Complete the *Petition/Application to have Felony Violation(s) Designated as Misdemeanor(s) and Resentencing*.
2. Mail or personally deliver a copy of the petition to the Orange County Office of the District Attorney or other prosecuting agency.
 - a. If mailed, the person mailing must complete the Proof of Service, see page 2 of the petition.
 - b. If hand delivered, the District Attorney may acknowledge its receipt by stamping the original petition to be delivered to the court.
3. File the original petition with the Criminal Operations Division of the Justice Center in which the case was sentenced.
 - a. Include the completed *Proof of Service*, if prosecutor was notified by mail.

ATTORNEY OR PARTY WITHOUT ATTORNEY <i>(Name, State Bar number and address)</i> TELEPHONE NO.: _____ FAX NO.: _____ E-MAIL ADDRESS: _____ ATTORNEY FOR <i>(NAME)</i> : _____	FOR COURT USE ONLY
SUPERIOR COURT OF CALIFORNIA, COUNTY OF ORANGE JUSTICE CENTER: <input type="checkbox"/> Central - 700 Civic Center Dr. West, Santa Ana, CA 92701 <input type="checkbox"/> Harbor - 4601 Jamboree Rd., Newport Beach, CA 92660 <input type="checkbox"/> North - 1275 N. Berkeley Ave., P. O. Box 5000, Fullerton, CA 92838-0500 <input type="checkbox"/> West - 8141 13 th Street, Westminster, CA 92683-4593	
PEOPLE OF THE STATE OF CALIFORNIA vs. DEFENDANT: _____	
<input type="checkbox"/> FOR RESENTENCING (PENAL CODE §1170.18(a))	PETITION
<input type="checkbox"/> FOR REDUCTION TO MISDEMEANOR (PENAL CODE §1170.18(f))	CASE NUMBER: _____

1. CONVICTION INFORMATION

On *(date)* _____, Petitioner, the defendant in the above-entitled criminal action, was convicted of the following felony offenses that have now been reclassified as misdemeanors *(specify code(s) and section(s))*: _____ and was sentenced to *(specify sentence imposed)*: _____

Petitioner has no prior convictions for offenses under Penal Code § 667(e)(2)(C)(iv) or for an offense requiring registration pursuant to Penal Code § 290(c).

A. **RESENTENCING**

Petitioner is currently serving the above sentence. Petitioner requests that the felony sentence be recalled and that Petitioner be resentenced to a misdemeanor under Penal Code § 1170.18(b), (d).

B. **REDUCTION TO MISDEMEANOR**

Petitioner has completed the above sentence. Petitioner requests that the eligible felony convictions listed above be reduced to misdemeanors under Penal Code § 1170.18(f), (g).

Although a hearing is not necessary, I request a hearing for this determination *(check only if you want a hearing for this determination)*.

2. I have served a copy of this petition on the Orange County Office of the District Attorney.

Date:

(TYPE OR PRINT NAME)

(SIGNATURE OF PETITIONER OR ATTORNEY)

Case Name: _____

Case Number: _____

PROOF OF SERVICE

Personal Service Service by Mail

1. Person serving: I am over the age of 18 and not a party to this action.

Name: _____

Address: _____

Telephone: _____

2. I served the a copy of the Petition as follows (*check one*):

a. Personal Service: I personally delivered the Petition to the person at the address listed below:

(1) Name of person served: _____

(2) Address where served: _____

(3) Date served: _____

(4) Time served: _____ AM PM

b. Service by Mail: I deposited the Petition in the United States mail, in a sealed envelope with first class postage fully prepaid. The envelope was addressed as follows:

(1) Name of person served: _____

(2) Address: _____

(3) Date of Mailing: _____

(4) Place of Mailing (city and state): _____

I declare to the best of my information and belief that the foregoing is true and correct.

Date: _____

(Signature of Declarant)

(Printed Name of Declarant)

SUPERIOR COURT OF CALIFORNIA, COUNTY OF ORANGE JUSTICE CENTER: <input type="checkbox"/> Central - 700 Civic Center Dr. West, Santa Ana, CA 92701 <input type="checkbox"/> Harbor - 4601 Jamboree Rd., Newport Beach, CA 92660 <input type="checkbox"/> North - 1275 N. Berkeley Ave., P. O. Box 5000, Fullerton, CA 92838 <input type="checkbox"/> West - 8141 13 th Street, Westminster, CA 92683	<i>FOR COURT USE ONLY</i>
PEOPLE OF THE STATE OF CALIFORNIA vs. DEFENDANT:	CASE NUMBER:
<input type="checkbox"/> ORDER AFTER PETITION FOR RESENTENCE OR RECLASSIFICATION (Pen. Code § 1170.18(b),(g))	

The court finds and rules from the records on file in this case and from the foregoing petition as follows:

- 1. Petition for recall and resentencing, or reduction to a misdemeanor is DENIED for the following reason(s):
 - the specified offense(s) is/are ineligible.
 - the petitioner has at least one other prior conviction for an offense under Penal Code § 667(e)(2)(C)(iv) or for an offense requiring registration pursuant to Penal Code section 290(c).
 - the court finds that the petitioner poses an unreasonable risk of danger to public safety under Penal Code § 1170.18(c).
 - other: _____.

2. Petition for recall and resentencing is GRANTED. The following felony conviction(s) is/are recalled and reclassified as misdemeanors and any enhancements are dismissed by operation of law: _____

The petitioner is resentenced to (a) misdemeanor(s) with the following sentence and/or modification: _____

With:

- parole
- continuing informal probation
- informal probation
- defendant ordered to report to Probation within 30 days for fines, fees, and/or restitution
- other:
- continuing formal probation
- credit granted for time served
- probation terminated

3. Petition for reduction to misdemeanor is GRANTED. The following felony conviction(s) is/are now specified as misdemeanors and any enhancements are dismissed by operation of law: _____

4. The above-specified felony conviction(s) is/are hereby designated as a misdemeanor or misdemeanors for all purposes except that the petitioner/applicant shall not own, possess, or have in his or her custody or control any firearm and the designation as misdemeanor will not prevent his or her conviction under Penal Code § 29800 et seq.

So ordered.

Date: _____

 JUDICIAL OFFICER

