

MSC-CR-300

Consult your attorney before submitting this form. You may decline to submit this form to the court without penalty.

1. ☐ I am a party in a superior court case.
2. ☐ I am currently a member of the state or federal armed services or reserves. My entry date is: _____ and I
 - a. ☐ am on active duty service.
 - b. ☐ have been called or ordered into active duty service.
 - c. ☐ am not on active duty.
 - d. ☐ other (*please explain*):
3. ☐ I used to serve in the state or federal armed services or reserves. I was discharged on date: _____
4. ☐ I understand that if I submit this form to the court as a defendant in a criminal case, the court will send copies of the form to the county veterans' service officer and the Department of Veterans Affairs.
5. ☐ I am filing this form on behalf of _____, a party to the above titled case, and believe is a ☐ member ☐ veteran of the state or federal armed services.

Name _____
Address _____
City, State, Zip _____
Telephone No. _____

Type or print name _____ Signature _____

For Optional Use

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YOU SHOULD CONSULT WITH YOUR ATTORNEY ABOUT THE FOLLOWING INFORMATION AND BEFORE SUBMITTING THIS FORM

If you are a current or former member of any branch of the U.S. Military who may be suffering from sexual trauma, traumatic brain injury, post-traumatic stress disorder, substance abuse, or mental health problems as a result of your military service and charged with a crime, you may be entitled to certain rights under some California laws. Below are brief explanations of some of those laws. You should consult with your attorney to discuss how these and/or other laws may apply to you.

You are not required to have an honorable discharge, to have combat service, or to be accepted into a Veterans Court to be eligible for the rights described in the following statutes.

California Penal Code 1170.9: Consideration for alternative sentencing and restorative relief.

Rights include possibly:

- Receiving treatment instead of prison or jail time for certain crimes.
- Having a greater chance of receiving probation.
- Having conditions of probation deemed satisfied early, other than any victim restitution ordered, and probation terminated early.
- Having some felonies reduced to misdemeanors.
- Having the court restore rights, dismiss penalties, and/or set aside conviction for certain crimes.

Requirements include:

- For consideration of alternative sentencing:
 - Convicted on certain criminal offenses (some crimes do not qualify)
 - Eligible for probation and court orders probation
- For restorative relief following order of probation:
 - In substantial compliance with conditions of probation
 - A successful participant in and demonstration of significant benefits from treatment and services
 - No danger to the health and safety of others

California Penal code 1001.80: Diversion in misdemeanor cases.

Rights include:

- *Pretrial* diversion program instead of trial and potential conviction and incarceration.
- Dismissal of eligible criminal charges following satisfactory performance in program.
- Arrest is deemed to have "never occurred" for most purposes following successful completion of program.

Requirements include:

- Application to misdemeanors only, *not* felonies
- Consent to diversion
- Waiver to right of speedy trial
- Satisfactory performance in program

California Penal Code 1170.91: Mitigating factor in felony sentencing.

- The court shall consider these circumstances from which the defendant may be suffering as a result of military service as a factor in mitigation during felony sentencing, which could mean a more lenient sentence.

Court Instructions:

- Form shall be submitted to the Court, in the courtroom or Clerks Office. **Scan and email a copy of this form and attached minute order, within two (2) court days of receipt, to the following email addresses:**
 - Merced County Veterans Service Officer Jason.Young@CountyofMerced.com
 - Dept. of Veterans Affairs Justice Outreach Susan.Basmajian@Va.gov