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| Attorney or Party without Attorney (Name, State Bar number, Address): | <i>(COURT USE ONLY)</i> |
| SUPERIOR COURT OF CALIFORNIA, COUNTY OF MERCED Street Address: Mailing Address: | |
| <i>PLAINTIFF</i> PEOPLE OF THE STATE OF CALIFORNIA | |
| DEFENDANT <div style="text-align: right;">Date of Birth: _____</div> | |
| PRO SE PETITION <div style="display: flex; justify-content: space-between;"> <div style="width: 45%;"> TO REDESIGNATE FELONY CONVICTION AS MISDEMEANOR (PC §1170.18(f)) <i>(Use when sentence is completed and you are not on probation, parole, or supervision)</i> </div> <div style="width: 45%;"> FOR RESENTENCING (PC §1170.18(a)) <i>(Use when you are still in custody or on probation, parole, or supervision)</i> </div> </div> | CASE NUMBER |

I am the Defendant in the above-captioned case.

I was convicted in this case of the following offenses *(List ALL counts, not just the felonies which may be eligible for re-designation)*:

I have never been convicted of any of the "Disqualifying Offenses" listed on the back of this petition.

I ask that the Court Order on this petition be sent to me at the following address:

Street _____

City, State, Zip _____ Phone *(optional)* _____

PETITION TO REDESIGNATE FELONY CONVICTION(S) AS MISDEMEANOR(S) (Sentence Completed)

I have completed my sentence and am no longer on probation, parole, or post-release community supervision.

I hereby petition to have the eligible felony conviction(s) designated as a misdemeanor(s).

(See reverse side for more information)

PETITION TO RECALL FELONY SENTENCE AND RESENTENCE AS MISDEMEANOR(S) (Serving Sentence)

I am in custody at _____. My release date is ____/____/____.

I am out of custody and _____ on parole _____ on formal probation _____ on community supervision

My supervising parole / probation officer is _____.

I was represented at my trial or plea by _____ the Public Defender _____ the conflict public defender (Merced Defense Association) private counsel *(name)* _____ I had no attorney

I hereby petition to have my sentence recalled and to be resentenced.

If my petition is granted, I wish to have counsel appointed for my resentencing.

(See reverse side for more information)

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge and belief, and that this petition is executed on (date) _____, 20____.

(Signature of Petitioner)

Defendant waives his/her presence.

Petition to Redesignate Felonies as Misdemeanors - Additional Information

The court will issue an order on your petition within 60 days. A hearing is not required to decide your petition.

If your petition is granted, you will also receive a copy of the order and any minute order or abstract of judgment for your records.

If the Court intends to deny your petition because you are not eligible to have your felonies reduced, you will receive a written notice of that intent. If you wish to do so, you may request a hearing within 30 days of that notice, and will receive written notification of the date and time to appear in court.

Petition for Resentencing - Additional Information

If the Court finds that you are eligible for re-sentencing, counsel will be appointed to represent you and will contact you directly at the address you have provided. (You may wish to include a telephone number for this purpose.)

If the Court intends to deny your petition because you are not eligible for resentencing, you will receive a written notice. If you wish to do so, you may request a hearing within 30 days of that notice, and will receive written notification of the date and time to appear in court.

LIST OF DISQUALIFYING OFFENSES (Penal Code §667(e)(2)(C)(2)(iv), Penal Code §290(c))

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| <ul style="list-style-type: none"> ● Any "sexually violent offense" (W&I §6600(b)): <ul style="list-style-type: none"> Any following acts when committed by force, violence, duress, menace, fear of immediate and unlawful bodily injury, or threatening to retaliate in the future: <ul style="list-style-type: none"> A) rape (PC §261), <ul style="list-style-type: none"> ● rape of a spouse (PC §262) ● rape, rape of a spouse or penetration by foreign object in concert (PC §261.4) ● sodomy (PC §286) ● lewd or lascivious act on child or dependent person (PC §288) ● oral copulation (PC §288a) ● continuous sexual abuse of a child (PC §288.5) ● penetration by foreign object (PC §289) Any of the following when committed with intent to commit an offense listed in A): <ul style="list-style-type: none"> B) kidnapping (PC §207) <ul style="list-style-type: none"> ● aggravated kidnapping (PC §209) ● assault (PC §220) |
| <ul style="list-style-type: none"> ● 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) |
| <ul style="list-style-type: none"> ● A lewd or lascivious act with a child under 14 (PC §288) |
| <ul style="list-style-type: none"> ● Any homicide or attempted homicide (PC §187 - 191.5) |
| <ul style="list-style-type: none"> ● Solicitation to commit murder (PC §653f) |
| <ul style="list-style-type: none"> ● Assault with a machine gun on peace officer or firefighter (PC §245(d)(3)) |
| <ul style="list-style-type: none"> ● Possession of a weapon of mass destruction (PC §11418(a)(1)) |
| <ul style="list-style-type: none"> ● Any serious or violent felony punishable in California by life imprisonment or death |
| <ul style="list-style-type: none"> ● Any offense requiring lifetime sex offender registration under PC §290(c) |