

**SUPERIOR COURT OF THE STATE OF CALIFORNIA, COUNTY OF SAN LUIS OBISPO**

ATTORNEY OR PARTY WITHOUT ATTORNEY <i>(Name and address; State Bar number if applicable):</i>  TELEPHONE NO.: _____ FAX NO.: _____ E-MAIL ADDRESS: _____ ATTORNEY FOR (Name): _____	<b>FOR COURT USE ONLY</b>
PEOPLE OF THE STATE OF CALIFORNIA vs. DEFENDANT: _____ DATE OF BIRTH: _____	
<b>PETITION</b>	
<input type="checkbox"/> <b>FOR RESENTENCING</b> (Pen. Code, § 1170.18(a)) <input type="checkbox"/> <b>FOR REDUCTION TO MISDEMEANOR</b> (Pen. Code, § 1170.18(f))	
<p align="center"><b>INSTRUCTIONS</b></p> <ul style="list-style-type: none"> <li>Petitioner must complete Petition and indicate whether a request is made for Resentencing <u>or</u> Reduction to Misdemeanor.</li> <li>Upon filing, Petitioner is required to immediately provide notice by providing a copy of the Petition to the District Attorney.</li> <li>The District Attorney is required to complete the Response, file with the Court, and provide notice by providing a copy to the Petitioner.</li> <li>If the Petitioner is currently in County Jail or State Prison related to this case, or the District Attorney indicates the Petitioner is ineligible, or if either the Petitioner or the District Attorney requests a hearing as provided below, the Court will set a hearing and provide notice of the date, time, and location to the Petitioner and the District Attorney.</li> </ul>	
	CASE NUMBER: _____

**PETITIONER/CONVICTION INFORMATION**

On (date) \_\_\_\_\_, Petitioner, the defendant in the above-entitled criminal action, was convicted of the following felony Counts(s) \_\_\_\_\_ (count nos.), violation of \_\_\_\_\_ (code sections), that have now been reclassified as misdemeanors. Petitioner was sentenced by Judge \_\_\_\_\_.

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); and no prior conviction for Penal Code § 368(d) or (e) if relief is sought for a conviction of Penal Code § 666. Petitioner does not pose an unreasonable risk of danger to public safety as defined in Penal Code § 1170.18(c).

**1.  RESENTENCING AS A MISDEMEANOR**

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

- Petitioner is currently being held in County Jail or State Prison (*court will set a hearing*).
- Petitioner is currently on PRCS or Community Supervision.

**2.  REDUCTION TO MISDEMEANOR**

Petitioner has completed the sentence for this conviction. 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*)

**Resentencing and/or designation as a misdemeanor does not permit the defendant to own, possess, or have in his or her custody or control any firearm. Penal Code § 1170.18(k).**

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

Executed on: \_\_\_\_\_  
 (DATE)

▶ \_\_\_\_\_  
 (SIGNATURE OF PETITIONER OR ATTORNEY)

\_\_\_\_\_  
 (ADDRESS, PETITIONER)

\_\_\_\_\_  
 (CITY) \_\_\_\_\_ (STATE) \_\_\_\_\_ (ZIP CODE)