

Attorney:

Address:

Phone:

FAX:

Email:

Attorney for Defendant/Petitioner:

(DOB:)

Case Number:

Respondent: OFFICE OF THE DISTRICT ATTORNEY, SAN MATEO COUNTY

PETITION FOR RESENTENCING – RESPONSE AND ORDER [PENAL CODE SECTION 1170.18]

Petitioner in the above – captioned case hereby files a petition for resentencing or redesignation pursuant to Penal Code section 1170.18 on the felony counts of

_____.

Petitioner is in Custody in SMC Jail CDC

Petitioner is currently being supervised as follows

probation mandatory supervision PRCS PAROLE

Petitioner alleges s/he:

has completed his/her sentence and petitions to have the above count(s) redesignated as misdemeanors

is still serving a sentence on the above count(s) and petitions for resentencing and redesignation of charges as misdemeanors

Petitioner further alleges s/he is entitled to resentencing or redesignation pursuant to Penal Code section 1170.18.

Petitioner requests that conditions be modified as follows:

Petitioner requests that the court terminate supervision under:

probation mandatory supervision PRCS Parole

Petitioner requests that the court NOT impose one year parole pursuant to Penal code section 1170.18(d). (Only for cases involving resentencing under PC 1170.18(b))

Petitioner has no disqualifying prior convictions.

Petitioner is not required to register as a sex offender pursuant to Penal Code section 290(c)

Petitioner Requests a Hearing to determine appropriate resentencing conditions.

Date: _____

Attorney for Defendant/Petitioner

The District Attorney's Response:

The District Attorney has received Petitioner's resentencing/redesignation request through a Petition for Writ of Habeas Corpus or other alternative written request filed by the Petitioner with the court on _____, and the District Attorney has completed the above Petitioner's form based on Petitioner's request filed with the court.

Petitioner has completed his/her sentence and is entitled to have the felony conviction(s) redesignated as misdemeanor(s).

Petitioner is still serving his/her sentence and is entitled to resentencing.

Petitioner is not entitled to the relief requested. Reason: _____

- A hearing should be held to determine whether defendant poses an unreasonable risk of danger to public safety.
- The District Attorney requests a hearing to determine appropriate resentencing conditions.
- The District Attorney agrees to the requested resentencing conditions except for the following: _____
- The District Attorney requests resentencing conditions include: _____

The District Attorney agrees objects to requested termination of supervision.

Date: _____

 Deputy District Attorney

ORDER

- The request to re-designate the charge identified in this petition is GRANTED. The count(s) identified above is/are ordered designated as a misdemeanor conviction(s) pursuant to Penal Code section 18.5.
- Where the Penal Code section must now be changed, the new charge is: _____.
- The conditions of probation previously imposed remain the same except: _____.
- The court GRANTS modifications of conditions requested by Petitioner except: _____.

The Court GRANTS DENIES the Petitioner's request to terminate supervision of:
 probation mandatory supervision PRCS Parole

- For cases involving resentencing pursuant to 1170.18(b):
- One year parole pursuant to Penal Code section 1170.18(d) is NOT imposed.
 - One year parole pursuant to Penal Code section 1170.18(d) is IMPOSED.

The Petition to redesignate the charge/s is DENIED. The count(s) identified above is ordered to remain designated as a felony conviction(s).

The matter is ordered set for hearing or resentencing on _____, at 1:30 p.m. in Department 20 of The Superior Court.

Any felony conviction that is recalled and resentenced under Penal Code section 1170.18 subdivision (b) or designated as a misdemeanor under subdivision (g) shall be considered a misdemeanor for all purposes, except that such resentencing shall not permit that person to own, possess, or have in his or her custody or control any firearm or prevent his or her conviction under Chapter 2 (commencing with Penal Code Section 29800) of Division 9 of Title 4 of Part 6.

Date: _____

 Judge of the Superior Court

Case #: