

SUPERIOR COURT OF CALIFORNIA, COUNTY OF MONO
 PETITION/APPLICATION TO HAVE FELONY VIOLATION(S) DESIGNATED AS MISDEMEANOR(S)
 AND FOR RESENTENCING Penal Code section 1170.18 (aka Prop 47)

Information and Instructions

General Information- Eligible Felony Violations:

Under Penal Code § 1170.18, a person currently serving a sentence, or has completed a sentence, for a conviction of a felony violation of **Health and Safety Code sections** 11350, 11357 or 11377, or **Penal Code sections** 459.5, 473, 476a, 490.2, 496 or 666, 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 2.a and 2.b)?

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 mentioned above ...</i>	<i>then ...</i>
and are no longer under any form of supervision (probation, parole, mandatory supervision) or in custody,	for purposes of this form, you may select box 2.a to indicate you have completed your sentence on the felony violation being petitioned.
and are currently under supervision (probation, parole, mandatory supervision) or are currently in custody,	for purposes of this form, you may select box 2.b to indicate you are currently serving a 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 2.b. and note under section iii "Diversion."

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 Mammoth Lakes or Bridgeport Court.

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 15 to 60 days, depending on the details of the case.

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.

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AND FOR RESENTENCING Penal Code section 1170.18 (aka Prop 47)

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 Mono County District Attorney Office 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 at the Mammoth Lakes Courthouse of the Mono County Superior Court.
 - 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 MONO JURISDICTION: <input type="checkbox"/> Mammoth Lakes – 100 Thompsons Way, PO Box 1037, Mammoth Lake, CA 93546 <input type="checkbox"/> Bridgeport – 278 Main Street, PO Box 537, Bridgeport, CA 93517	
PEOPLE OF THE STATE OF CALIFORNIA vs. DEFENDANT:	
PETITION TO HAVE FELONY VIOLATION(S) DESIGNATED AS MISDEMEANOR(S) <input type="checkbox"/> AND FOR RESENTENCING (PENAL CODE § 1170.18)	CASE NUMBER:

1. Defendant in the above-entitled case requests that, pursuant to Penal Code section 1170.18, the following felony violation(s) _____ be designated as misdemeanor(s).

2. Defendant alleges he/she (*check a or b*):
 - a. has completed his/her sentence and petitions to have the above violation(s) designated as misdemeanor(s).
 - b. is currently serving a sentence on the above felony violation(s). Defendant requests that he/she be resentenced accordingly. The defendant (*check all that apply*):
 - i. is incarcerated on this case and is currently housed in: _____
 - ii. is currently under the supervision of (list supervising agency): _____ on this case
 - iii. is currently participating in a collaborative court program on the above-entitled case.

3. I have served a copy of this petition on the Mono 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 a copy of the Petition, Declaration, and Order for Return of Property as follows (*check one*):

a. Personal Service: I personally delivered the Petition, Declaration, and Order for Return of Property 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, Declaration, and Order for Return of Property 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 under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date: _____

(Signature of Declarant)

(Printed Name of Declarant)

<p>SUPERIOR COURT OF CALIFORNIA, COUNTY OF MONO JURISDICTION: <input type="checkbox"/> Mammoth Lakes – 100 Thompsons Way, PO Box 1037, Mammoth Lakes, CA 93546 <input type="checkbox"/> Bridgeport – 278 Main Street, PO Box 537, Bridgeport, CA 93517</p>	<p style="text-align: center;"><i>FOR COURT USE ONLY</i></p>
<p>PEOPLE OF THE STATE OF CALIFORNIA vs. DEFENDANT:</p>	
<p style="text-align: center;">ORDER DESIGNATING FELONY VIOLATION(S) AS MISDEMEANOR(S) AND/OR RESENTENCING (PENAL CODE 1170.18)</p>	<p>CASE NUMBER:</p>

The court rules as follows on defendant's §1170.18 petition to designate the following felony violation(s) as misdemeanor(s) and/or for resentencing.

The court grants the petition. The court designates the following felony violation(s) as misdemeanor(s):

The court denies the petition as to violation(s) _____
 _____ for the following reason(s):

Defendant poses an unreasonable risk of danger to public safety within the meaning of Penal Code § 1170.18(b).

Defendant has suffered one or more convictions for an offense specified in Penal Code § 1170.18(i)

The court sets a hearing on the petition for (date) _____ at (time) _____ in
 Dept. _____.

Date: _____

 JUDICIAL OFFICER