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**Materials for habeas corpus petition asking for *Caballero* resentencing, in case with a final judgment and a sentence amounting to life without possibility of parole, for non-murder committed when the defendant was under 18**

Thank you for your interest about resentencing under the California Supreme Court decision in *People v. Caballero* (2012) 55 Cal.4th 262. That case found unconstitutional a sentence that is so long it gives no realistic chance of release during defendant's natural lifetime, if the crime did not include murder and the defendant was under 18 when it was committed.<sup>1</sup>

**Enclosed materials**

Appellate Defenders, Inc. (ADI), has prepared the enclosed materials to help defendants who have no attorney because their cases are final – meaning the appeal is over or the time for appealing is past. They are intended for your use if: (1) your judgment is final – meaning your appeal is over or the time for appealing is past; (2) your sentence is so long it amounts to life without possibility of parole (meaning you will not be considered for release during your natural life expectancy), (3) the sentence you are serving is not for murder, and (4) the crime was committed when you were a minor. *If your case does not fit all of these categories, do not use these materials*; instead, ask ADI whether it has materials for your situation.

The materials are to be used in preparing a petition for a writ of habeas corpus asking for resentencing under *Caballero*. They include the standard habeas form MC-275, an Attachment for completing the section on why the sentence was improper, and instructions for both. The ADI materials are necessarily very general: they just lay out important recent cases and some broad legal principles. *They were not written for a specific case and therefore do not talk about the facts in your case. Providing those is your job, and that is in many ways the key part of your petition.*

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<sup>1</sup>If your sentence is officially for life without possibility of parole, different arguments will apply. *Do not use these materials*; ask ADI for the materials on life without possibility of parole cases.

**Legal representation**

Once your trial and direct appeal are over, you no longer have the right to an appointed lawyer to file new petitions, including habeas corpus. Appellate Defenders, Inc. (ADI), is not able to represent you or assign an attorney to do it. Because ADI is not your attorney, it cannot analyze your particular case or give you legal advice. It is up to you to complete and file the petition. If the court finds your petition states facts that may entitle you to relief, it will then appoint a lawyer.

**Possible risks**

There is always some risk in reopening a case or attaching documents to something filed in court. Errors in your favor could be discovered and corrected, or something incriminating might come up, leaving you worse off than before you took action. If you have any doubts, consult your former trial or appeals lawyers, who are familiar with your case and may be able to help.

Thank you again for asking. We wish you the best in your efforts.

**APPELLATE DEFENDERS, INC.**

Encl: Judicial Council Habeas Corpus Petition Form (MC-275)  
Answers to Question 6, Grounds for Relief  
Instructions for a *Caballero* Habeas Corpus Petition

**IMPORTANT**

These materials are **not legal advice** to you. Your use of the ADI materials does not create an attorney-client relationship between you and ADI or anyone at ADI. The statements in the materials are not guaranteed to be complete or free from error or up to date (the law is constantly changing). You may use them only at your own risk and should always check to make sure what you are saying in your petition is correct and up to date, both as to fact and law.