

SUPERIOR COURT OF CALIFORNIA, COUNTY OF RIVERSIDE

BANNING 135 N. Alessandro Rd., Banning, CA 92220
BLYTHE 265 N. Broadway, Blythe, CA 92225
INDIO 46-200 Oasis St., Indio, CA 92201

MURRIETA 30755-D Auld Rd., Ste. 1226, Murrieta, CA 92563
RIVERSIDE 4100 Main St., Riverside, CA 92501

RI-CR039

Form with sections for Attorney/Party information, Case Number, and Title: PETITION FOR RESENTENCING - APPLICATION FOR REDUCTION TO MISDEMEANOR (Penal Code §1170.18(a) or Penal Code 1170.18(f))

TO THE SUPERIOR COURT:

- 1. On _____, the defendant in the above-captioned case was convicted of a felony violation of a crime that has now been made a misdemeanor pursuant to Proposition 47, enacted November 4, 2014. The crime defendant was convicted of is (check all boxes that apply):
2. Defendant believes the value of the check or property does not exceed \$950. (Penal Code offenses only)
3. Defendant is currently serving a sentence for that (those) offense(s) in the (Name of Penal Institution): _____
4. Defendant has not been convicted of an offense enumerated in Penal Code section 290, subdivision (c), or any offense enumerated in Penal Code section 667(e)(2)(C)(iv), which would prohibit a reduction of the conviction pursuant to Penal Code section 1170.18.
5. Defendant has also been convicted of the following other felonies affected by Proposition 47 (include all known information):

WHEREFORE defendant requests that the felony sentence be recalled and that he/she be resentenced to a misdemeanor, or that the already-served felony be designated a misdemeanor, in accordance with the provisions of Penal Code §1170.18.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date: _____

(ATTORNEY OR PARTY WITHOUT ATTORNEY)

PROOF OF SERVICE OF PETITION FOR RESENTENCING

- 1. I am over 18 years of age and not a party to this action. I am a resident of or employed in the county where the mailing took place.
- 2. My residence or business address is:
- 3. On (date): _____, I mailed from (city and state) _____ a
Petition for Resentencing (Penal Code §1170.18).
- 4. I served the documents by enclosing them in an envelope and depositing the sealed envelope with the United States Postal Service with first-class postage fully prepaid.
- 5. The envelope was addressed and mailed as follows:

Riverside County District Attorney – Banning
Proposition 47 Resentencing Unit
135 North Alessandro, Room 210
Banning, CA 92220

Riverside County District Attorney – Blythe
Proposition 47 Resentencing Unit
220 North Broadway
Blythe, CA 92225

Riverside County District Attorney-Indio
Proposition 47 Resentencing Unit
74923 Hovley Lane East
Palm Desert, CA 92260

Riverside County District Attorney-Murrieta
Proposition 47 Resentencing Unit
30755-D Auld Road, 3rd Floor
Murrieta, CA 92563

Riverside County District Attorney– Riverside
Proposition 47 Resentencing Unit
3960 Orange Street
Riverside, CA 92501

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date: _____ (PRINT NAME OF PERSON COMPLETING THE FORM) _____ (SIGNATURE OF PERSON COMPLETING FORM)

INSTRUCTIONS SHEET

1. Print legibly and fill out the form completely.
2. If you have more than one eligible conviction, use a separate petition for each conviction unless the convictions were in the same case number. If they were in the same case number you may put them all on one petition.
3. Be sure to list each and every known prior felony conviction that you have. Failure to do so will delay the processing of your petition.
4. File an original and one copy of your petition with the clerk at the courthouse where you were convicted. You may file it by mailing it to the clerk. If you want a copy with proof of filing, also enclose a stamped self-addressed envelope. The court will not mail a copy back to you without a stamped envelope. There is no filing fee.
5. You must cause a copy of your petition to be served on the Riverside County District Attorney and file a proof of service with the court. You may serve the petition by U.S. Mail. It must be served by someone other than you and that person must sign the proof of service. The court will not serve it for you. File the proof of service at the same time you file your petition. You may use the form attached to the petition.

ADDITIONAL INFORMATION

Once the court receives your petition, the District Attorney will have 30 days from the date of filing to respond. A judicial officer will review your petition. If the District Attorney does not oppose resentencing, you will be resentenced to a misdemeanor in accordance with Penal Code §1170.18 and given credit for time served.

If the District Attorney opposes resentencing, the court will hold a hearing and you will be given notice of the hearing. At the conclusion of the hearing, the court will decide whether or not to resentence you.

For assistance with filing the petition or additional questions regarding your eligibility, please contact the Riverside County Office of the Public Defender.

For Department of Justice information, contact the Records Review Unit at (916) 227-3849 or visit <http://ag.ca.gov/fingerprints/>.