| ATTORNEY OR PARTY WITHOUT ATTORNEY *(Name, State Bar No., and Address):* | *(COURT USE ONLY)* |
|---|---|
| | |
| TELEPHONE NO.:  E-MAIL ADDRESS: | |
| ATTORNEY FOR (Name):  FAX NO.: | |

| PEOPLE OF THE STATE OF CALIFORNIA | |
|---|---|
| v. | |
| DEFENDANT:  DATE OF BIRTH: | |

| **SUPERIOR COURT OF CALIFORNIA, COUNTY OF MONTEREY**<br>**240 CHURCH STREET, SALINAS, CA 93901** | SUPERIOR COURT CASE NUMBER |
|---|---|
| ☐ **PETITION FOR RECALL OF SENTENCE AND RESENTENCING** *(Penal Code § 1170.18(a))*<br><br>☐ **APPLICATION TO HAVE FELONY CONVICTION DESIGNATED AS MISDEMEANOR** *(Penal Code § 1170.18(f))* | *(COURT USE ONLY)*<br><br>DATE:<br>TIME:<br>DEPARTMENT: |

**PETITION/APPLICATION AND CONVICTION INFORMATION TO BE COMPLETED BY PETITIONER/APPLICANT:**

On *(date)* _____, the defendant in the above entitled criminal action, was convicted of the following

felony offenses that have now been reclassified as misdemeanors *(specify code and section(s)):* _____

and was sentenced to *(specify sentence imposed):* ☐ Prison  ☐ Jail 1170(h)  ☐ Other _____

_____

☐ The offense(s) listed above is an eligible offense pursuant to Penal Code § 1170.18(a).

☐ Petitioner/Applicant has no prior convictions for offenses pursuant to Penal Code § 667(e)(2)(C)(iv) or for an offense requiring registration pursuant to Penal Code § 290(c).

A. **RESENTENCING** (In custody or currently supervised by Probation or Parole)

☐ Petitioner is currently serving the above sentence. Petitioner requests that the felony sentence be recalled and that Petitioner be resentenced to a misdemeanor pursuant to Penal Code §§ 1170.18(b) and (d).

B. **DESIGNATED AS MISDEMEANOR** (Completed custody AND no longer supervised by Probation or Parole)

☐ Applicant has completed the above sentence. Applicant requests that the eligible felony convictions listed above be designated misdemeanors pursuant to Penal Code § § 1170.18(f) and (g).

**UNLESS REQUESTED BELOW:**
**I agree to have a misdemeanor sentence imposed without my presence in Court. I waive any rights I may have to have the original sentencing judge hear this petition/application, and agree this petition/application may be heard by the Presiding Judge or his/her designee.**

☐ **Request:** _____

*I understand* **resentencing of a felony offense to a misdemeanor shall not permit Petitioner/Applicant to own, possess, or have in his or her custody or control any firearm or ammunition as prohibited by Penal Code § 29800 et. seq. (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/APPLICANT OR ATTORNEY

PETITION PURSUANT TO PENAL CODE § 1170.18
(CRIMINAL)

Monterey County Superior Court