

SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES

ATTORNEY OR PARTY WITHOUT ATTORNEY (<i>Name, State Bar Number and Address</i>) TELEPHONE NO.: _____ FAX NO. (<i>Optional</i>): _____ E-MAIL ADDRESS (<i>Optional</i>): _____ ATTORNEY FOR (<i>Name</i>): _____	
PEOPLE OF THE STATE OF CALIFORNIA vs. DEFENDANT	CASE NUMBER: _____
APPLICATION/PETITION FOR RESENTENCING AND PEOPLE'S RESPONSE (Penal Code § 1170.18, subsections (b) and (g))	

DEFENDANT'S APPLICATION/PETITION

On _____, defendant was convicted in the above-captioned case of a felony violation of a crime that has now been made a misdemeanor pursuant to Proposition 47. He/she was convicted of the following felony: _____
code section(s), including subsection(s)

Defendant does not have any conviction for an offense listed in Penal Code § 667(e)(2)(C)(iv) or which requires registration as a sex offender pursuant to Penal Code § 290(c).

For Penal Code convictions only:

The amount in question is not more than \$950.

For Penal Code § 666 convictions only:

Defendant is not required to register under any portion of the Sex Offender Registration Act (*Penal Code §§ 290 through 290.024*).

Applications Only

Defendant has completed his/her sentence for the offense and requests that the felony conviction be designated a misdemeanor conviction pursuant to Penal Code § 1170.18(f)-(i).

Petitions Only

Defendant requests that the felony sentence be recalled and that he/she be resentenced to a misdemeanor pursuant to Penal Code § 1170.18(a)-(e).

Defendant is still on supervision even though he/she has completed the jail or prison term.

Defendant is currently serving a sentence for the offense in _____

Defendant requests that he/she be released from parole per Penal Code § 1170.18(d).

OR

(name of jail or prison)

Resentencing the defendant would not pose an unreasonable risk of danger to public safety, as defined in Penal Code § 1170.18(c).

Date

Defendant or Attorney for the Defendant

DISTRICT ATTORNEY'S RESPONSE

People do not oppose. Defendant has completed his/her sentence and is eligible to have the felony conviction designated as a misdemeanor conviction.

People do not oppose. Defendant is still serving his/her sentence and is eligible and suitable for resentencing. The People recommend the following sentence: _____

People waive presence at resentencing.

People oppose. Defendant is ineligible for the relief requested:

Defendant's current conviction for _____ does not qualify for Proposition 47 relief.

Defendant is required to register pursuant to Penal Code § 290(c), or pursuant to Penal Code §§ 290 to 290.024 if the conviction is for Penal Code § 666.

Defendant has a prior conviction for an offense listed in Penal Code § 667(e)(2)(C)(iv): _____

People oppose. Defendant is eligible, but unsuitable for resentencing because resentencing the defendant poses an unreasonable risk of danger to public safety pursuant to Penal Code § 1170.18(c). People request that a suitability hearing be set.

Date

Deputy District Attorney

NAME, ADDRESS, AND TELEPHONE NUMBER OF ATTORNEY OR PARTY WITHOUT ATTORNEY:	STATE BAR NUMBER (IF APPLICABLE)	Reserved for Clerk's File Stamp
ATTORNEY FOR (Name):		
SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES		
COURTHOUSE ADDRESS:		
PETITIONER/PLAINTIFF:		
RESPONDANT/DEFENDANT:		CASE NUMBER:
PROOF OF SERVICE		

- At the time of service I was over 18 years of age.
- My residence or business address is: _____

3. Type of Service:

BY MAIL:

On _____ I served the Petition for Recall and Resentencing/Application to Designate Felony Conviction as Misdemeanor, in this case by placing a copy thereof, enclosed in a sealed envelope with first class postage prepaid, in the United States Mail at _____, in the county of _____, State of California, said envelope having been address as follows:

Name of party served: Los Angeles County District Attorney
Street address: _____
City, State, Zip Code: _____

At the time of mailing, I was employed or resided in the county where said mailing occurred.

PERSONAL SERVICE:

On _____ I personally delivered to and left copies of the Petition for Recall and Resentencing/Application to Designate Felony Conviction as Misdemeanor, in this case with the party served at the address below:

Name of party served: Los Angeles County District Attorney
Street address: _____
City, State, Zip Code: _____

4. Executed on _____ at _____, California.
DATE CITY

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

Dated: _____
Signature of Declarant

PROOF OF SERVICE