

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

Information and Instructions

General Information:

Under Penal Code § 1170.18, a person currently serving a sentence, or who has completed a sentence, for a conviction of a felony violation of section 11350, 11357 or 11377 of the Health and Safety Code or section 459/460(b), 470, 473, 476a, 487, 496, or 666, of the Penal Code 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 2a and 2b)?

The definitions below are intended to provide general information and do not attempt to provide legal advice nor advice on how to submit your petition.

<i>If you have been convicted of one of the eligible felony violations ...</i>	<i>then...</i>
and are no longer under any form of supervision (probation, parole, mandatory supervision) or in custody for that offense,	for purposes of this form, you may select 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 that offense,	for purposes of this form, you may select 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 and note under section iii "Diversion".

How long does this process take?

The petition process may take between 15 to 45 days, depending on the details of the case.

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 District Attorney or the prosecuting agency in the county of the original sentencing court.
3. File the original petition and the completed Proof of Service with the Clerk's Office in the county of the original sentencing court.

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.