

ATTORNEY OR PARTY WITHOUT ATTORNEY: STATE BAR NO.: NAME: FIRM NAME: STREET ADDRESS: CITY: STATE: ZIP CODE: TELEPHONE NO.: FAX NO.: E-MAIL ADDRESS: ATTORNEY FOR (name):	FOR COURT USE ONLY
PEOPLE OF THE STATE OF CALIFORNIA v. DEFENDANT:	
PETITION/APPLICATION (Health and Safety Code, § 11361.8) ADULT CRIME(S)	CASE NUMBER:
<input type="checkbox"/> FOR RESENTENCING OR DISMISSAL <input type="checkbox"/> REDESIGNATION OR DISMISSAL/SEALING (Health & Saf. Code, § 11361.8(b)) (Health & Saf. Code, § 11361.8(f))	FOR COURT USE ONLY Date: Time: Department:

INSTRUCTIONS

- Before filing this form, petitioner/applicant should consult local court rules and court staff to determine if a formal hearing on the petition/application will be scheduled.
- If the petitioner is currently serving a sentence for a qualified crime, please fill out sections 1 and 2(a).
- If the applicant has completed the sentence for a qualified crime, please fill out sections 1 and 2(b).
- Complete sections 3 and 4 as necessary.
- Upon the filing of the petition/application, the petitioner/applicant is required to immediately serve the office of the prosecuting agency (the district attorney or city attorney, as appropriate) with a copy of the petition/application. It may be served personally or by mail; the signed Proof of Service, attached to this form, must be filed with the court.

1. CONVICTION INFORMATION

CONVICTION A:

On (date): _____, Petitioner/Applicant, the defendant in the above-entitled criminal action, was convicted of the following Health and Safety Code section 11357 11358 11359 11360 which has been reclassified under Proposition 64.

Petitioner/Applicant further states that when committing the conduct resulting in the conviction he/she was:

18 to 20 years of age; 21 years old or older. Date of birth: _____

Petitioner/Applicant further states that the nature of the substance which resulted in the conviction was:

marijuana not in the form of concentrated cannabis; concentrated cannabis; marijuana plants;

Other:

Petitioner/Applicant further states that the quantity of the substance which resulted in the conviction was:

not more than 28.5 grams of marijuana not in the form of concentrated cannabis; not more than 4 grams of marijuana in the form of concentrated cannabis; not more than 8 grams of marijuana in the form of concentrated cannabis;
 not more than 6 marijuana plants.

CONVICTION B:

On (date): _____, Petitioner/Applicant, the defendant in the above-entitled criminal action, was convicted of the following Health and Safety Code section 11357 11358 11359 11360 which has been reclassified under Proposition 64.

Petitioner/Applicant further states that when committing the conduct resulting in the conviction he/she was:

18 to 20 years of age; 21 years old or older. Date of birth: _____

Petitioner/Applicant further states that the nature of the substance which resulted in the conviction was:

marijuana not in the form of concentrated cannabis; concentrated cannabis; marijuana plants;

Other:

Petitioner/Applicant further states that the quantity of the substance which resulted in the conviction was:

not more than 28.5 grams of marijuana not in the form of concentrated cannabis; not more than 4 grams of marijuana in the form of concentrated cannabis; not more than 8 grams of marijuana in the form of concentrated cannabis;
 not more than 6 marijuana plants.

PEOPLE OF THE STATE OF CALIFORNIA v. DEFENDANT:

CASE NUMBER:

2. REQUEST FOR RELIEFa. **RESENTENCING/DISMISSAL**

Petitioner is currently serving the sentence for the crime noted above, and requests the sentence be recalled and that he/she be resentenced or the charge be dismissed as required by law.

Other:

b. **REDESIGNATION/DISMISSAL/SEALING**

Applicant has completed the sentence for the crime noted above, and requests the sentence be recalled and the conviction be redesignated or dismissed. If the conviction is dismissed, applicant requests the court's record of conviction be sealed.

Other:

3. WAIVER OF HEARING BY ORIGINAL SENTENCING JUDGE

Petitioner/applicant waives the right to have this matter heard by the original sentencing judge. The presiding judge of the court may designate any judge to rule on this matter.

4. WAIVER OF APPEARANCE

Petitioner/applicant understands there is a right to personally attend any hearing held in this matter. Petitioner/applicant gives up that right; the matter may be heard without his/her appearance.

Dated:



 Signature of petitioner/applicant
PROSECUTING AGENCY RESPONSE

The prosecuting agency has no objection to this petition/application. Petitioner/applicant is entitled to the requested relief without a hearing.

The prosecuting agency requests a hearing and objects to the granting of the petition/application because:

Petitioner/applicant was not convicted of an eligible offense.

Other:

Petitioner is eligible for relief, but relief should be denied because petitioner presents an unreasonable risk of danger to public safety if he/she is resentenced.

The prosecuting agency does not object to the petitioner's/applicant's eligibility for relief, but requests a hearing on the issue of resentencing.

Dated:



 Signature of prosecuting attorney

ATTORNEY OR PARTY WITHOUT ATTORNEY: _____ STATE BAR NO.: _____ NAME: _____ FIRM NAME: _____ STREET ADDRESS: _____ CITY: _____ STATE: _____ ZIP CODE: _____ TELEPHONE NO.: _____ FAX NO.: _____ E-MAIL ADDRESS: _____ ATTORNEY FOR (name): _____	FOR COURT USE ONLY
PEOPLE OF THE STATE OF CALIFORNIA v. DEFENDANT: _____	CASE NUMBER: _____
PROOF OF SERVICE Check Method of Service (only one): <input type="checkbox"/> By Personal Service <input type="checkbox"/> By Mail	FOR COURT USE ONLY
	Date: _____ Time: _____ Department: _____

1. Person serving: I am over the age of 18 and not a party to this action.
 - a. Name: _____
 - b. Residence or Business Address: _____
 - c. Telephone: _____


2. I served a copy of the Petition/Application for Resentencing or Reduction to Infraction on the person or persons listed below as follows:
 - a. Name of person served: _____
 - b. Address where served: _____
 - c. Date Served: _____
 - c. Time Served: _____ AM PM

3. The documents were served by the following means (*specify*):
 - a. **By personal service.** I personally delivered the documents to the persons at the addresses listed in item 2. Delivery was made (a) to the attorney personally; or (b) by leaving the documents at the attorney's office, in an envelope or package clearly labeled to identify the attorney being served, with a receptionist or an individual in charge of the office; or (c) if there was no person in the office with whom the notice or papers could be left, by leaving them in a conspicuous place in the office between the hours of nine in the morning and five in the evening.
 - b. **By United States mail.** I enclosed the documents in a sealed envelope or package addressed to the persons at the addresses in item 2 and (*specify one*):
 - (1) deposited the sealed envelope with the United States Postal Service, with the postage fully prepaid.
 - (2) placed the envelope for collection and mailing, following our ordinary business practices. I am readily familiar with this business's practice for collecting and processing correspondence for mailing. On the same day that correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the United States Postal Service, in a sealed envelope with postage fully prepaid.

I am a resident or employed in the county where the mailing occurred. The envelope or package was placed in the mail at (*city and state*): _____

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

Date: _____



 Signature of Declarant

 (Printed Name of Declarant)

