

SUPERIOR COURT OF THE STATE OF CALIFORNIA, COUNTY OF SAN LUIS OBISPO

Superior Court of California, County of San Luis Obispo Criminal Department, Room 220 1050 Monterey St. San Luis Obispo, CA 93408	
PEOPLE OF THE STATE OF CALIFORNIA vs. _____, Defendant	
RESPONSE AND ORDER ON PETITION FOR RESENTENCING (Penal Code §1170.18)	CASE NUMBER: _____

TO BE FILLED OUT BY THE COURT ONLY

Defendant has filed a petition for resentencing/designation as a misdemeanor and alleges that he or she:

- Has completed his/her sentence and petitions to have the felony count(s) designated as a misdemeanor(s).
- Is still serving a sentence on the felony count(s) and petitions for resentencing.

Hearing Date _____ **at 8:30 a.m. in Department** _____.

The District Attorney's Response:

- Defendant is not entitled to the relief requested.
- REASON** No counts eligible under Pen. Code § 1170.18.
- Defendant has at least one prior conviction for an offense under Pen. Code § 667(e)(2)(C)(iv) or for an offense requiring registration pursuant to Pen. Code § 290(c).
- Defendant has at least one prior conviction for Penal Code § 368(d) or (e) and is seeking relief for a conviction of Penal Code § 666.
- A hearing should be set to determine whether defendant poses an unreasonable risk of danger to public safety Other: _____
- Defendant has completed his/her sentence and *is entitled* to have the felony conviction(s) designated as a misdemeanor(s).
- Defendant is still serving his/her sentence and *is entitled* to resentencing.
 - People waive presence and agree the Court may resentence without supervision.
 - People request a resentencing hearing be set.

Date: _____

 Deputy District Attorney

ORDER

- The Petition for Resentencing/Designation as a Misdemeanor is denied. Reason: _____.
- The Petition is granted:
 - Count(s) _____ is/are ordered designated as a misdemeanor conviction(s).
 - Formal probation is now ordered converted to Summary Probation under the same terms and conditions.
 - Defendant is sentenced as follows: _____
 - Matter is ordered set for Hearing re PC § 1170.18(f) on _____ at 8:30 a.m. in Department _____.
 - Matter is ordered set for Resentencing (PC § 1170.18(a)) on _____ at 8:30 a.m. in Department _____.

Date: _____

 Judge of the Superior Court

Resentencing and or designation as a misdemeanor does not permit the defendant to own, possess, or have in his or her custody or control any firearms. Penal Code § 1170.18(k)