SUPERIOR COURT OF CALIFORNIA, COUNTY OF ORANGE

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 has completed a sentence, for a conviction of a felony violation of section11350, 11357 or 11377 of the Health and Safety Code or section 459.5, 473, 476a, 490.2, 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 and how to submit your petition.

If you have been convicted of one of the eligible felony violations …	*then…*
and are no longer under any form of supervision (probation, parole, mandatory supervision) or in custody,	for purposes of this form, you may select **box 2.a** 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 purposes of this form, you may select **box 2.b**. 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 box 2.b. and note under section iii "Diversion".

Where will the petition be heard?
If the defendant is currently serving a sentence on the violation or has been diverted pursuant to Penal Code section 1000, a hearing will be scheduled at the Central Justice Center.

If the defendant is currently in a collaborative court program on the violation, a hearing will be scheduled at the appropriate collaborative court courtroom.

If the defendant has completed his/her sentence on the violation, the matter will be reviewed by a judge without a formal hearing and the petitioner will be notified of the order by mail.

How long does this process take?
The petition process may take between 15 to 60 days, depending on the details of the case.

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.

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 Orange County Office of the District Attorney or other prosecuting agency.

    a. If mailed, the person mailing must complete the Proof of Service, see page 2 of the petition.

    b. If hand delivered, the District Attorney may acknowledge its receipt by stamping the original petition to be delivered to the court.

3. File the original petition with the Criminal Operations Division of the Justice Center in which the case was sentenced.
    a. Include the completed *Proof of Service,* if prosecutor was notified by mail.