

SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN BERNARDINO
PETITION FOR RESENTENCING (Penal Code section 1170.18)

Information and Instructions

General Information:

Under Penal Code section 1170.18, a person currently serving a sentence, or has completed a sentence, for a felony conviction of sections 11350, 11357 or 11377 of the Health and Safety Code or sections 459, 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, 2b and 2c)?

The definitions below are intended to provide general information and do not attempt to provide legal 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 purposes of this form, you may select box 2.a to indicate you have completed your sentence on the felony conviction 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 conviction being petitioned and indicate if you are in custody or out of custody.
and are currently diverted pursuant to Penal Code section 1000,	for purposes of this form, you may select box 2.c .

Where will the petition be heard?

If the defendant is currently serving a sentence in state prison or county prison for one of the above listed felonies, a hearing will be scheduled at the San Bernardino Justice Center.

If the defendant is currently on probation or mandatory supervision for one of the above listed felonies, a hearing will be scheduled in the district where the case was filed.

If the defendant has completed his/her sentence for one of the above listed felonies, the matter will be reviewed by a judge and the petitioner will be notified of the order by mail.

How long does this process take?

The petition process may take approximately 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.

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NOTE: Clerks cannot advise or give assistance in the completion of this petition.

Instructions:

1. Complete the Petition for Resentencing.
2. File the original petition in the District where the case was filed.