

**SUPERIOR COURT OF THE STATE OF CALIFORNIA, COUNTY OF TULARE**

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number and address):   TELEPHONE NO: _____ FAX NO: _____ E-MAIL ADDRESS: _____ ATTORNEY FOR (Name): _____	(COURT USE ONLY)
PLAINTIFF PEOPLE OF THE STATE OF CALIFORNIA	
DEFENDANT: DOB: _____ <input type="checkbox"/> In Custody	SUPERIOR COURT CASE NUMBER
PETITION FOR RESENTENCING – RESPONSE AND ORDER (PC 1170.18)	DISTRICT ATTORNEY NUMBER
Defendant in the above-captioned case filed a petition for resentencing on the felony count(s) of _____ Pursuant to Pen. Code §1170.18.	
Defendant alleges s/he: <input type="checkbox"/> Has completed his/her sentence and petitions to have the felony count(s) designated as a misdemeanor(s). <input type="checkbox"/> Is still serving a sentence on the felony count(s) and petitions for resentencing. <input type="checkbox"/> PD Arbuckle Waiver Given <input type="checkbox"/> DA Arbuckle Waiver Given	
<b><u>The District Attorney's Response:</u></b> <input type="checkbox"/> Defendant is not entitled to the relief requested. Reason: _____  <input type="checkbox"/> A hearing should be held to determine <input type="checkbox"/> whether defendant poses an unreasonable risk of danger to public safety. <input type="checkbox"/> other: _____ <input type="checkbox"/> Defendant has completed his/her sentence and is entitled to have the felony conviction(s) designated as a misdemeanor(s). <input type="checkbox"/> Defendant is still serving his/her sentence and is entitled to resentencing.  Date: _____	
_____ Deputy District Attorney	
<b><u>Recommendation of the Probation Officer</u></b> <input type="checkbox"/> The matter be reduced to a misdemeanor pursuant to 1170.18 PC. <input type="checkbox"/> The matter be reduced to a misdemeanor pursuant to 1170.18 PC and the defendant be placed on summary probation, subject to all prior terms and conditions. <input type="checkbox"/> Probation be terminated and the defendant discharged as to this case only. Defendant remain responsible for the payment of fines, fees and victim restitution. <input type="checkbox"/> Sentence pursuant to 1170(h)(5) be recalled and the defendant be discharged as to this case only. Defendant remain responsible for the payment of fines, fees and victim restitution. <input type="checkbox"/> Sentence pursuant to 1170(h)(5) be recalled and the matter be reduced to a misdemeanor pursuant to 1170.18PC and the defendant be placed on summary probation subject to prior terms and conditions. <input type="checkbox"/> The defendant is currently in the custody of the California Department of Corrections and if eligible for release based on this order, the defendant: <input type="checkbox"/> Be released subject to State Parole for a period of one (1) year. <input type="checkbox"/> Period of State Parole is waived.	
Pursuant to Penal Code Section 1170.18(k) Any felony conviction that is recalled and resented under subdivision(b) or designated as a misdemeanor under subdivision (g) shall be considered a misdemeanor for all purposes, except that such resentencing shall not permit that person to own, possess, or have in his or her custody or control any firearm or prevent his or her conviction under Chapter 2 (commencing with Section 29800) of Division 9 of Title 4 of Part 6.	
<b>ORDER</b>	
<input type="checkbox"/> The Petition is denied. <input type="checkbox"/> The Court adopts the recommendation of the Probation Department. <input type="checkbox"/> The matter is ordered set for hearing or resentencing on _____, at 1:30 p.m. in Department _____ of the: <input type="checkbox"/> Visalia Division, County Civic Center, 221 S Mooney Blvd, Visalia, CA 93291 <input type="checkbox"/> South County Justice Facility, 300 E Olive Ave, Porterville, CA 93257	
Date: _____  _____ Judge of the Superior Court	