

ATTORNEY OR PARTY WITHOUT ATTORNEY <i>(Name, State Bar number, and address):</i>  TELEPHONE NO.: _____ FAX NO.: _____ E-MAIL ADDRESS: _____ ATTORNEY FOR (Name): _____	(COURT USE ONLY)
PLAINTIFF: <p style="text-align: center;"><b>PEOPLE OF THE STATE OF CALIFORNIA</b></p>	
DEFENDANT:	DATE OF BIRTH:
<p style="text-align: center;"><b>RESPONSE</b></p> <input type="checkbox"/> <b>FOR RESENTENCING-Penal Code § 1170.18(a)</b> <input type="checkbox"/> <b>FOR REDUCTION TO MISDEMEANOR-Penal Code § 1170.18(f)</b>	CASE NUMBER:
	D.A. NUMBER:

### INSTRUCTIONS

- Petitioner must complete the Petition and indicate whether a request is made for Resentencing or Reduction to Misdemeanor.
- Upon filing, petitioner is required to immediately give notice by providing a copy of the Petition to the District Attorney.
- The District Attorney is required to complete the Response, file with the Court, and give notice by providing a copy to the petitioner.
- If the petitioner is currently in County Jail or State Prison related to this case, District Attorney indicates the petitioner is ineligible; or, if either the petitioner or District Attorney requests a hearing as provided below, the Court will set a hearing and provide notice of the date, time, and location to the petitioner and District Attorney.

### DISTRICT ATTORNEY'S RESPONSE TO PETITION FOR RESENTENCING    REDUCTION TO MISDEMEANOR

Having received notice of a Petition dated \_\_\_\_\_, the District Attorney responds as follows:

#### A. RESENTENCING

The District Attorney has no objection to this Petition. Petitioner is entitled to the requested relief.

A hearing is requested on the resentencing.

- Petitioner is not eligible for the requested relief because *(select all that apply)*:
  - The specified offenses are not eligible under Penal Code §1170.18.
  - Petitioner has at least one prior conviction for an offense under Penal Code §667(e)(2)(C)(IV) or for an offense requiring registration pursuant to Penal Code §290(c).
  - Petitioner poses an unreasonable risk of danger to public safety as defined in Penal Code §1170.18(c).
  - Other:

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**B.  REDUCTION TO MISDEMEANOR**

- The District Attorney has no objection to this petition. Petitioner is entitled to the requested relief.
- The petitioner is not eligible for the requested relief because:
  - The specified offenses are not eligible under Penal Code §170.18.
  - The defendant is ineligible for a reduction to a misdemeanor pursuant to Penal Code § 473.
  - The petitioner has at least one prior conviction for an offense under Penal Code §667(e)(2)(C)(iv) or for an offense requiring registration pursuant to Penal Code §290(c).
  - Other:

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Date: \_\_\_\_\_

\_\_\_\_\_  
Deputy District Attorney

**DECLARATION of SERVICE**

I, \_\_\_\_\_, declare as follows:

I am a citizen of the United States, over the age of 18 years, and not a party to the within action; my place of employment and business address is Tuolumne County District Attorney’s Office, 423 N. Washington Street, Sonora, California.

On \_\_\_\_\_, I served the within RESPONSE TO PETITION FOR RESENTENCING/REDUCTION TO MIDSDEMEANOR (PC § 1170.18(a) OR PC § 1170.18(f)) on the defendant/petitioner as follows:

BY MAIL: By placing true copies thereof enclosed in sealed envelopes with postage fully prepaid in the designated area for outgoing mail addressed as set forth below.

BY PERSONAL SERVICE: By hand delivering a true copy thereof to the interested party/parties at the address(es) set forth below.

I declare under penalty of perjury of the laws of the State of California that the foregoing is true and correct. Executed on \_\_\_\_\_, at Sonora, California.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Type or Print Name