

Instructions for Completing Petition for Recall and Resentencing or Application for Reduction of Felony Conviction – Proposition 47 (Safe Neighborhoods and Schools Act)

Petitions

For persons **currently serving a sentence** you must petition for a recall and resentencing under Penal Code section 1170.18, subdivision (a). In order to be eligible you cannot have suffered a conviction for any offense listed in Penal Code section 667, subdivision (e)(2)(C)(iv) or be required to register as a sex offender under Penal Code section 290, subdivision (c).

You must list all current convictions for which you are currently serving a sentence – this would include concurrent and consecutive terms. You must provide the Superior Court Case Numbers for all cases for which you were sentenced and for which you are presently serving a sentence. Please do not give DA numbers or law enforcement numbers.

You are required to provide your full name, as well as any aliases you have used, together with your current address, your Criminal Identification and Information (CI&I) Number (if known) and, if applicable, your CDCR Number.

Once you have completed the petition, and dated and signed it, you should file it with the Fresno County Superior Court Felony Clerks' Office:

Superior Court of California, County of Fresno
Felony Clerks' Office, Room 401
1100 Van Ness Avenue
Fresno, CA 93724-0002

You should also serve a copy of your petition on the Fresno County District Attorney, and if you are being supervised either on parole or Postrelease Community Supervision, on the agency that is responsible for your supervision, i.e. state parole or county probation. As you are a party to this proceeding, you cannot serve these agencies yourself, but must have a third-party, who is at least 18 years of age, serve copies of the petition for you. You should attach the original proof of service to your original application that you are submitting to the Court

Once your petition has been filed, it will be reviewed by the Court to provisionally determine your eligibility for recall and resentencing. If the Court determines that you are provisionally eligible it will set a future hearing date for the recall and resentencing, with notice to the District Attorney.

You have the right to have your Petition heard by the original sentencing judge. If you agree, your Petition will be heard by a Judge assigned by the Presiding Judge. The Court will also appoint counsel to represent you at any future hearing.

To petition you may use form *TCR-81 Petition for Resentencing – Proposition 47 (Safe Neighborhoods and Schools Act)*. The form is available at the Superior Court of California, County of Fresno, Felony Clerks Office and the Court Action Center.

Applications

For persons who have **completed their sentences** you must apply for a reduction of your felony conviction under Penal Code section 1170.18, subdivision (f). In order to be eligible you cannot have suffered a prior or current conviction for any offense listed in Penal Code section 667, subdivision (e)(2)(C)(iv) or be required to register as a sex offender under Penal Code section 290, subdivision (c).

You need to list all cases by the Superior Court Case Number for which you are applying for relief, the date of your sentence and the term imposed. Please do not give DA numbers or law enforcement numbers.

You are required to provide your full name, as well as any aliases you have used, together with your current address, your Criminal Identification and Information (CI&I) Number (if known) and, if applicable, your CDCR Number.

You may, but are not required to, request a hearing on your application and you should indicate whether you are or are not requesting a hearing.

You have the right to have your Application heard by the original sentencing judge. If you agree, your Application will be heard by a Judge assigned by the Presiding Judge.

Once you have completed the application, dated and signed it, you should file it with the Fresno County Superior Court Felony Clerks' Office:

Superior Court of California, County of Fresno
Felony Clerks' Office, Room 401
1100 Van Ness Avenue
Fresno, CA 93724-0002

You should also serve a copy of your application on the Fresno County District Attorney. As you are a party to this proceeding, you cannot serve the documents yourself, but must have a third-party, who is at least 18 years of age, serve a copy of the application for you. You should attach the original proof of service to your original application that you are submitting to the Court.

Upon receipt of your application the Court will review it to determine if you are statutorily eligible for reduction of your conviction or convictions. The Court will provide the District Attorney with notice of your application, and provide them within 14 days (plus 5 days for mailing) in which to file any objection to your application. If no objection is made within that time period, the Court will grant the relief requested, unless you are statutorily not eligible for that relief. (Pen. Code, § 1170.18, subd. (g).)

Effect of Relief

If you are granted either a recall and resentencing or reduction of your felony conviction or convictions, you will still be prohibited from owning, possessing, or having under your custody or control any firearm. Should you violate that prohibition you may be subject to prosecution and a conviction for a felony. (Pen. Code, § 1170.18, subd. (k).)

To apply you may use form *TCR-80 Application for Reduction of Felony Conviction – Proposition 47*. The form is available at the Superior Court of California, County of Fresno, Felony Clerks Office or the Court Action Center.