

SUPERIOR COURT OF CALIFORNIA, COUNTY OF ORANGE

PETITION/APPLICATION FOR RESENTENCING or DISMISSAL

FOR REDUCTION or DISMISSAL/SEALING

Health & Safety Code §11361.8

Information and Instructions

General Information:

Under Health & Safety Code § 11361.8, a person currently serving a sentence, or who has completed a sentence for a conviction of a violation of section 11357, 11358, 11359, and 11360 of the Health & Safety Code may be eligible to have the conviction reduced or re-designated as a misdemeanor or an infraction and resentenced, or dismissed as applicable.

Am I eligible?

If you were 18 years of age or over when charged with one or more of the violations listed above, you may be eligible to complete the Petition/Application for Resentencing or Dismissal, for Reduction or Dismissal/Sealing form and file it with the Criminal Operations Division of any Orange County Justice Center. Only one petition/application form should be completed per case.

If you were under 18 years of age when charged with one or more of the violations listed above, contact Juvenile Operations at Lamoreaux Justice Center.

How do I know which section of the form to fill out?

(The definitions below are intended to provide general information and do not attempt to provide legal advice about how to submit your petition/application.)

<i>If you have been convicted of one of the eligible violations ...</i>	<i>then...</i>
and are currently serving a sentence, under supervision (probation, parole, postrelease community supervision (PRCS), mandatory supervision) or are currently in custody,	for purposes of this form, you may select box 1A and mark the applicable box(es) to indicate the action(s) to be taken on your sentence(s).
and have completed your sentence, are no longer under supervision (probation, parole, postrelease community supervision (PRCS), mandatory supervision) or in custody,	for purposes of this form, you may select box 1B and mark the applicable box(es) to indicate the action(s) to be taken on your conviction(s).

Where will the petition/application be heard?

If the petitioner is currently serving a sentence on the violation, a hearing will be scheduled at the Central Justice Center.

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

If the applicant 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.

If you were under 18 years of age when charged, contact Juvenile Operations at Lamoreaux Justice Center.

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How long does this process take?

The petition/application process may take between 90-120 days, or longer, depending on the details of the case and the amount of petitions received by the court.

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 Health & Safety Code section 11361.8 nor does this information sheet attempt to legally define sentence term phrases. For further information you may refer to Health & Safety Code section 11361.8 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 for Resentencing or Dismissal, for Reduction or Dismissal/Sealing*.
2. Mail or personally deliver a copy of the petition/application to the Orange County Office of the District Attorney or other prosecuting agency.
 - a. If mailed, the person performing the mailing must complete the Proof of Service (see page 3 of the Petition/Application).
 - 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/application with the Criminal Operations Division of any Orange County Justice Center.
 - a. Include the completed *Proof of Service*, if prosecutor was notified by mail.