

ATTORNEY OR PARTY WITHOUT ATTORNEY NAME: FIRM NAME: STREET ADDRESS: CITY: STATE: ZIP CODE: TELEPHONE NO.: FAX NO.: EMAIL ADDRESS: ATTORNEY FOR (name):	STATE BAR NO.:	FOR COURT USE ONLY
SUPERIOR COURT OF CALIFORNIA, COUNTY OF ORANGE LAMOREAUX JUSTICE CENTER – JUVENILE COURT 341 The City Drive South Orange, CA 92868		
IN RE:	DATE OF BIRTH:	CASE NUMBER:
Motion for Determination of Racial Discrimination and Relief in Juvenile Cases Penal Code sections 745(a); 1473; 1473.7		FOR COURT USE ONLY DATE: TIME: DEPT:

1. This motion is alleging the following violation(s) of subdivision (a) of Penal Code section 745 and seeks relief from the court in accordance with subdivision (f) of Penal Code section 745.

- PC 745(a)(1):** The judge, an attorney in the case, a law enforcement officer involved in the case, or an expert witness exhibited bias or animus towards the youth because of the youth's race, ethnicity, or national origin.
- PC 745(a)(2):** During the youth's trial, in court and during the proceedings, the judge, an attorney in the case, a law enforcement officer involved in the case, or an expert witness used racially discriminatory language about the youth's race, ethnicity, or national origin, or otherwise exhibited bias or animus towards the youth because of the youth's race, ethnicity, national origin, whether or not purposeful. This paragraph does not apply if the person speaking is describing language used by another that is relevant to the case or if the person speaking is giving a racially neutral and unbiased physical description of the suspect.
- PC 745(a)(3):** The youth was charged or a petition was found true of a more serious offense than defendants / youth of other races, ethnicities, or national origins who commit similar offenses and are similarly situated, and the evidence establishes that the petitioner / prosecution more frequently sought or obtained convictions on a complaint or true findings on a petition for more serious offenses against people who share the defendant's / youth's race, ethnicity, or national origin in the county where the convictions were sought or obtained.
- PC 745(a)(4)(A):** A longer or more severe sentence was imposed on the youth than was imposed on other similarly situated individuals convicted of the same offense or where a petition was found true of the same offense, and longer or more severe sentences were more frequently imposed for that offense on people who share the youth's race, ethnicity, or national origin than on defendants / youth of other races, ethnicities, or national origins in the county where the sentence was imposed.
- PC 745(a)(4)(B):** A longer or more severe sentence was imposed on the youth than was imposed on other similarly situated individuals convicted of the same offense or where a petition was found true of the same offense, and longer or more severe sentences were more frequently imposed for the same offense on youth / defendants in cases with victims of one race, ethnicity, or national origin than in cases with victims of other races, ethnicities, or national origins, in the county where the sentence was imposed.

2. **MOTION UNDER PENAL CODE SECTION 745(c)****Supporting facts:**

Describe the facts you allege constituted a violation of subdivision (a) of the Penal Code section 745. *(If necessary, attach additional pages. You may use Attachment to Judicial Council Form (form MC-025) for any additional pages. If available, attach declarations, relevant records, transcripts, or other documents supporting the claim.)*

 Requested Discovery:

Describe specifically the type of records and/or information you seek that is relevant to a potential violation of subdivision (a) of Penal Code section 745 that is in the possession or control of the state.

(Check one only)

3. **MOTION TO VACATE TRUE FINDING ON PETITION AND/ OR SENTENCE UNDER PENAL CODE SECTION 1473. THE MOVING PARTY IS CURRENTLY IN CUSTODY. (Custody includes Juvenile Hall, Probation Facilities/Camps, Jail, Department of Juvenile Justice, or on Probation.) You may use Judicial Council form MC-275. (See CRC 8.380)** **MOTION TO VACATE TRUE FINDING ON PETITION AND/OR SENTENCE UNDER PENAL CODE SECTION 1473.7(a)(3). THE MOVING PARTY IS NOT CURRENTLY IN CUSTODY (Custody includes in Juvenile Hall, Probation Facilities/Camps, Jail, Department of Juvenile Justice, or on Probation.)****Supporting Facts:**

Describe the facts you allege show that a disposition or sentence was sought, obtained, or imposed based on race, ethnicity, or national origin in violation of subdivision (a) of Penal Code section 745. (If necessary, attach additional pages. You may use Attachment to Judicial Council Form (form MC-025) for any additional pages. If available, attach declarations, relevant records, transcripts, or other documents supporting the claim.)

 Requested Discovery:

Describe specifically the type of records and/or information you seek that is relevant to a potential violation of subdivision (a) of Penal Code section 745 that is in the possession or control of the state.

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- 4. The Moving Party requests that the court hold the hearing on this motion without the Moving Party's personal presence upon a finding of good cause for the following reason(s):

- 5. The Moving Party requests relief upon granting of the motion based on supporting facts stated on the form.

I declare under penalty of perjury, under the laws of the State of California, that the foregoing statements are true and correct, except as to matters that are stated on my information and belief, and as to those matters, I believe them to be true.

Date: _____

(TYPE OR PRINT NAME)

 _____
(SIGNATURE OF MOVING PARTY/ YOUTH OR ATTORNEY)