

SUPERIOR COURT OF CALIFORNIA, COUNTY OF EL DORADO

PETITION/APPLICATION FOR RESENTENCING or DISMISSAL FOR
REDESIGNATION 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 Redesignation or Dismissal/Sealing Adult Crimes form CR-146 and file it with the Main Street or South Lake Tahoe Court in El Dorado County. 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, you may be eligible to complete the Juvenile Petition/Application for Resentencing or Redesignation form J-14 and file it with Department 8, Placerville Court or the South Lake Tahoe Court in El Dorado County. Only one petition/application form should be completed per case.

Where will the petition/application be heard?

If the petitioner is currently serving a sentence on the violation or has been diverted pursuant to Penal Code section 1000, a hearing will be scheduled in either Departments 1 or 2 at our Main Street, Placerville Court for adult cases, Department 8 at our 295 Fair Lane, Placerville Court for juvenile cases or Department 4 at our South Lake Tahoe Court for adult and juvenile cases.

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.

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.

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INSTRUCTIONS ADULT:

1. If you were 18 years of age or over when charged complete the Petition/Application Adult Crimes CR-146 for Resentencing or Dismissal, for Redesignation or Dismissal/Sealing.
2. File the original and 2 copies of the petition/application with the criminal division of any El Dorado County court.
3. You will need a third party to mail the petition/application or personally deliver a copy of the petition/application to the El Dorado County Office of the District Attorney or other prosecuting agency.
4. The person performing the mailing must complete a Proof of Service .
5. File the Proof of Service (CR-148) with the Criminal Division of any El Dorado County court.

INSTRUCTIONS JUVENILE:

1. If you were under 18 years of age when charged complete the Juvenile Petition/Application J-14 for Resentencing or Redesignation.
2. File the original and 2 copies of the petition/application with the juvenile division of any El Dorado County court.