Cost: $5.00

PROP 64 PETITION (JUVENILE) (HS11361.8) PACKET

Created: 11/29/2016

SUPERIOR COURT OF THE STATE OF CALIFORNIA, COUNTY OF TRINITY

ATTORNEY OR PARTY WITHOUT ATTORNEY *(Name, State Bar number, and address)*: TELEPHONE NO.: FAX NO.: E-MAIL ADDRESS: ATTORNEY FOR (Name):	**FOR COURT USE ONLY**
CASE NAME:	
JUVENILE PETITION/APPLICATION **(Prop. 64 - Health and Safety Code, § 11361.8(m))**	

INSTRUCTIONS

- **Use this form if you went to court for a marijuana-related offense when you were under the age of 18.**
- **Use this form to ask the court to change your dispositional orders or redesignate your marijuana-related offense.**
- **Use a separate petition/application for each charge that you want the court to take action on.**
- **You must file this form in the county where your marijuana-related offense was adjudicated.**
- You need to use a different form if you also have eligible adult offenses.
- If you are currently on wardship probation for a qualified offense, you need to fill out sections 1 and 2.
- If you have completed probation, you need to fill out sections 1 and 3.
- Complete sections 4 and 5 as necessary.
- When you file this form, ask the court clerk if a formal hearing on the petition/application will be rescheduled.
- When you file the petition/application with the court, the court will then serve the petition on the probation department and the prosecuting agency.

CASE NUMBER:

DATE:

TIME:

DEPARTMENT:

1. OFFENSE INFORMATION

On *(date)*_____, Petitioner was found to come within the jurisdiction of the court under Welfare and Institutions Code section 602 for a violation of Health and Safety Code section ☐ 11357 ☐ 11358 ☐ 11359 ☐ 11360, which has been reclassified as an infraction when committed by a person under the age of 18 under Proposition 64.

Petitioner's date of birth: _____.

Petitioner further declares that the nature of the substance which resulted in the conviction was:
☐ Marijuana not in the form of concentrated cannabis;
☐ Concentrated cannabis;
☐ Marijuana plants;
☐ Other: _____.

Petitioner further declares that the quantity of the substance that resulted in the adjudication was:
☐ Not more than 28.5 grams of marijuana not in the form of concentrated cannabis;
☐ Not more than 4 grams of marijuana in the form of concentrated cannabis;
☐ Not more than 8 grams of marijuana in the form of concentrated cannabis;
☐ Not more than 6 marijuana plants.

2. REQUEST FOR A NEW DISPOSITIONAL ORDER (RESENTENCING)

☐ Petitioner is currently subject to a dispositional order of the court for the offense noted above, and requests that the order be recalled and relief be granted in accordance with Health and Safety Code § 11361.8(b).

3. REQUEST FOR REDESIGNATION

☐ Wardship has been terminated for the offense noted above, and petitioner requests the court's dispositional order be recalled and relief be granted in accordance with Health and Safety Code section 11361.8(f).

SUPERIOR COURT OF THE STATE OF CALIFORNIA, COUNTY OF TRINITY

CASE NAME:	CASE NUMBER:

4. WAIVER OF HEARING BY ORIGINAL SENTENCING JUDGE

☐ Petitioner waives the right to have this matter heard by the original sentencing judge. The presiding judge of the court may designate any judge to rule on this matter.

5. WAIVER OF APPEARANCE

☐ Petitioner understands there is a right to personally attend any hearing held in this matter. Petitioner gives up that right; the matter may be heard without his/her appearance.

I declare under penalty of perjury and to the best of my information and belief that the foregoing is true and correct.

Executed on: _____ ▶ _____

(DATE) (SIGNATURE OF PETITIONER)

SUPERIOR COURT OF THE STATE OF CALIFORNIA, COUNTY OF TRINITY

ATTORNEY OR PARTY WITHOUT ATTORNEY *(Name, State Bar number, and address)*: TELEPHONE NO.: FAX NO.: E-MAIL ADDRESS: ATTORNEY FOR (Name):	**FOR COURT USE ONLY**
CASE NAME:	
RESPONSE TO JUVENILE PETITION/APPLICATION (Prop. 64 - Health and Safety Code, § 11361.8(m))	
INSTRUCTIONS • Petitioner must complete Petition/Application. • Petitioner must file the Petition/Application in the county where his/her marijuana-related offense was adjudicated. • The District Attorney is required to complete the Response, file with the court, and provide notice by providing a copy to the Petitioner.	CASE NUMBER:

DISTRICT ATTORNEY'S RESPONSE TO PETITION

Having received notice of a petition dated _____, the District Attorney responds as follows:

☐ The District Attorney has no objection to this petition. Petitioner is entitled to the requested relief without a hearing.

☐ The District Attorney requests a hearing and objects to the granting of the petition because:

☐ The District Attorney does not agree that the petition should be granted because the offense for which petitioner was found to be within the jurisdiction of the court under Welfare and Institutions Code section 602 is not eligible for the requested relief under Health and Safety Code section 11361.8.

☐ Other: _____.

☐ Petitioner is eligible for relief, but relief should be denied because petitioner presents an unreasonable risk of danger to public safety if he/she is resentenced.

☐ The District Attorney does not object to the petitioner's eligibility for relief, but requests a hearing on the issue of a new dispositional order.

Date: _____

_____
(Signature of Deputy District Attorney)

SUPERIOR COURT OF THE STATE OF CALIFORNIA, COUNTY OF TRINITY

Superior Court of California, County of Trinity 11 Court Street POB ox 1258 Weaverville, CA 96093	
CASE NAME:	
JUVENILE ORDER AFTER PETITION/APPLICATION **(Prop. 64 - Health and Safety Code, § 11361.8(m))** ☐ **FOR NEW DISPOSITION (H&S §11361.8(b))** ☐ **REDESIGNATION (H&S §11361.8(f))**	CASE NUMBER:

From the petition/application filed in this matter, the records of the court, and any other evidence presented in this matter, the court finds as follows:

1. **NEW DISPOSITION GRANTED**

☐ The petitioner is eligible for the requested relief. The petition is **GRANTED**. The court hereby recalls its disposition for the designated offense and makes the following additional orders:

☐ The following offense is redesignated as an infraction (indicate offense): _____.

☐ Petitioner is required to complete:

☐ _____ hours of drug education and counseling and/or

☐ _____ hours of community service, within _____ days from the date of this order.

☐ Wardship and delinquency jurisdiction for this offense is terminated.

☐ Other: _____.

2. **REDESIGNATION GRANTED**

☐ The petitioner is eligible for the requested relief. The application is **GRANTED**. The court hereby redesignates the following offense for which the child was found to be within the jurisdiction of the court under Welfare and Institutions Code section 602 as an infraction (indicate offense): _____.

3. **NEW DISPOSITION/REDESIGNATION DENIED**

☐ The petitioner is ineligible for the requested relief. The request for a new dispositional order/redesignation is **DENIED** for the following reasons:

☐ The offense for which petitioner was found to be within the jurisdiction of the court under Welfare and Institutions Code section 602 is not eligible for the requested relief under Health and Safety Code section 11361.8.

☐ Although petitioner is eligible for relief, for reasons set forth on the record, the court finds that modifying the petitioner's disposition would pose an unreasonable risk of danger to public safety.

☐ Other: _____.

4. **INFRACTION FOR ALL PURPOSES**
Any offense redesignated as an infraction as a result of this order shall thereafter be an infraction for all purposes.

IT IS SO ORDERED.

Dated: _____

_____
Judge of the Superior Court