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SUPERIOR COURT OF THE STATE OF CALIFORNIA, COUNTY OF SAN JOAQUIN

THE PEOPLE OF THE STATE OF CALIFORNIA,)	Case No.:
)	
Plaintiff,)	PETITION FOR RELIEF
)	UNDER PENAL CODE SECTION
vs.)	1170.95
)	
)	
Defendant(s))	
)	

**REQUEST FOR HEARING FOR
ELIGIBILITY FOR RELIEF UNDER CHANGES TO MURDER STATUTE**
[Penal Code section 1170.95]

I, _____, declare as follows:
(enter full name at the time of your conviction)

- I was convicted by a jury of first degree murder under a theory of felony murder (Penal Code sections 188 and 189), or
- I pleaded guilty instead of a trial where I could have been convicted for first degree or second degree murder under a theory of felony murder.
- I was convicted by a jury or because I pleaded guilty of first degree murder in a San Joaquin County court.
- I was not the actual killer of the victim or victims killed in my case.
- I did not have the intent to kill, when I aided, abetted, counseled, commanded, induced, solicited, requested, or assisted the actual killer of the victim or victims killed in my case.

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- I was not a “major participant” in committing or attempting to commit the underlying felony;
- I did not act with “with reckless indifference to human life,” when in committing or attempting to commit the underlying felony.
- In my case, it was found by a court or a jury that I was not a major participant *or* I did not act with reckless indifference to human life (Section 1170.95 (d)(2).)

-AND -

- The victim of the murder by the actual killer was NOT a peace officer in the course of his or her duties, when I knew or reasonably should have known that the victim was a peace officer engaged in the performance of his or her duties.

-OR-

- I was convicted by a jury of second degree murder under a theory of “natural and probable consequences;” or
- I pleaded guilty instead of having a trial where I could have been convicted of first degree or second degree murder under a theory of “natural and probable consequences;”.
- I was convicted by a jury or because I pleaded guilty of second degree murder in a San Joaquin County court in case number: _____
- I was not the actual killer of the victim or victims killed in my case.
- I did not have the intent to kill, when I aided, abetted, counseled, commanded, induced, solicited, requested, or assisted the actual killer of the victim or victims killed in my case.

I declare under penalty of perjury that the foregoing is true and correct, and that this declaration was executed on _____, at _____, California.

Dated:

Respectfully submitted,

Defendant

Counsel for the Defendant