

I, _____, declare as follows:

- ☐ 1. A complaint, information, or indictment was filed against me that allowed the prosecution to proceed under a theory of felony murder or murder under the natural and probable consequences doctrine.
- ☐ 2a. At trial, I was convicted of 1st or 2nd degree murder pursuant to the felony murder rule or the natural and probable consequences doctrine;
- OR**
- ☐ 2b. I pled guilty or no contest to 1st or 2nd degree murder in lieu of going to trial because I believed I could have been convicted of 1st or 2nd degree murder at trial pursuant to the felony murder rule or the natural and probable consequences doctrine.
- ☐ 3. I could not now be convicted of 1st or 2nd degree murder because of changes made to Penal Code § § 188 and 189, effective January 1, 2019.

Note: Box 1, Box 2a or 2b, and Box 3 must all apply in order to be resentenced under Penal Code § 1170.95.

- ☐ 4. I request that this court appoint counsel for me during this re-sentencing process.
- ☐ 5. (If applicable) I was convicted of 1st degree felony murder and I could not now be convicted because of changes to Penal Code § 189, effective January 1, 2019, for the following reasons (all must apply):

☐ I was not the actual killer.

☐ I did not, with the intent to kill, aid, abet, counsel, command, induce, solicit, request, or assist the actual killer in the commission of murder in the first degree.

☐ I was not a major participant in the felony **or** I did not act with reckless indifference to human life during the course of the crime or felony.

☐ The victim of the murder was **not** a peace officer in the performance of his or her duties, **or** I was not aware that the victim was a peace officer in the performance of his or her duties and the circumstances were such that I should not reasonably have been aware that the victim was a peace officer in the performance of his or her duties.

☐ 6. (If applicable) I was convicted of 2nd degree murder under the natural and probable consequences doctrine or under the 2nd degree felony murder doctrine and I could not now be convicted of murder because of changes to Penal Code § 188, effective January 1, 2019.

☐ **7. (If applicable)** There has been a prior determination by a court or jury that I was not a major participant and/or did not act with reckless indifference to human life under Penal Code § 190.2(d). Therefore, I am entitled to be re-sentenced pursuant to § 1170.95(d)(2).

☐ **8.** I have mailed a copy of this Petition to the following:

☐ Office of the District Attorney

County of _____

[Street Address]

[City, State, Zip]

☐ Office of the Public Defender

County of _____

[Street Address]

[City, State, Zip]

OR

☐

[Trial Attorney Name]

[Firm Name]

[Street Address]

[City, State, Zip]

I declare under penalty of perjury that the above is true except as to that stated on information or belief or that which is a legal conclusion and as to those, I believe them to be true.

Signature: _____

Name [Printed]: _____

Date: _____