

**SUPERIOR COURT OF CALIFORNIA
COUNTY OF SAN BENITO**

AB1950 PROCEDURE

It is the Court's intent to handle these filings without placing the matters on calendar. The Court will schedule hearings if appropriate. Please do not add scheduled events to a petition pursuant to AB1950. Please follow the guidelines outlined below.

FELONY PETITION BY PROBATION IN MASS

- To file a petition in mass, the defendant must be eligible for relief immediately or within 30 days of the filing of the petition. An individual file review to determine eligibility must be completed to use this form. This form cannot be used for cases that have outstanding warrants or future court dates.
- Probation shall review and determine eligibility and file a petition outlining multiple cases. The Probation Department shall serve the District Attorney and Defense Attorney with a copy of the petition and provide proof of service to the Court.
- The Court shall hold the petition for 10 calendar days from the date of proof of service to allow the District Attorney to file in writing any objection to those cases outlined in the petition filed by the Probation Department.
- If the Court does not receive a filed objection by the District Attorney, the Clerk will submit the petition to a judicial officer for review and entry of the order, if appropriate on the 11th day after the service of the petition.
- If an objection is received, the Court shall place the matter on calendar, within 10 calendar days of the filing of the objection, and send notice of hearing to the District Attorney, Probation Department and Defense Attorney.
- If the petition is granted after the hearing, the Court will direct that an Order after Hearing be prepared and submitted to the Court indicating the new expiration date of the defendant's probation.
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FELONY PETITION BY DEFENDANT OR ATTORNEY

- Defendant files a Petition with the Court. Defendant shall serve the District Attorney and Probation Officer with a copy of the petition and provide proof of service to the Court.
- The Court shall hold the petition for 10 calendar days to allow the District Attorney to file in writing any objection to those cases outlined in the petition filed by the defense attorney or defendant.
- If the Court does not receive a filed objection by the District Attorney, the Clerk will submit the petition to a judicial officer for review and entry of the order, if appropriate on the 11th day after the service of the petition.
- If an objection is received, the Court shall place the matter on calendar, within 10 calendar days of the filing of the objection, and send notice of hearing to the District Attorney, Probation Department and Defense Attorney and/or Defendant.
- If the petition is granted after the hearing, the Court will direct that an Order after Hearing be prepared and submitted to the Court indicating the new expiration date of the defendant's probation.

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MISDEMEANOR PETITION BY DEFENSE ATTORNEY IN MASS

- To file a petition in mass, the defendant must be eligible for relief immediately or within 30 days of the filing of the petition. An individual file review to determine eligibility must be completed to use this form. This form cannot be used for cases that have outstanding warrants or future court dates.
- Defense counsel shall review and determine eligibility and file a petition outlining multiple cases. The Defense Attorney shall serve the District Attorney with a copy of the petition and provide proof of service to the Court.
- The Court shall hold the petition for 10 calendar days to allow the District Attorney to file in writing any objection to those cases outlined in the petition filed by the defense attorney.
- If the Court does not receive a filed objection by the District Attorney, the Clerk will submit the petition to a judicial officer for review and entry of the order, if appropriate on the 11th day after the service of the petition.
- If an objection is received, the Court shall place the matter on calendar, within 10 calendar days of the filing of the objection, and send notice of hearing to the District Attorney, Defense Attorney and/or Defendant.
- If the petition is granted after the hearing, the Court will direct that an Order after Hearing be prepared and submitted to the Court indicating the new expiration date of the defendant's probation.

MISDEMEANOR PETITION BY DEFENDANT OR ATTORNEY

- Defendant files a Petition with the Court. Defendant shall serve the District Attorney with a copy of the petition and provide proof of service to the Court.
- If the parties reach an agreement prior to the filing of the petition an attachment may be added to expedite the process of submitting the petition to the Court for review.
- Pursuant to the standing order filed January 4, 2021, the Court shall hold the petition for 10 calendar days to allow the District Attorney to file in writing any objection to those cases outlined in the petition filed by the defendant.
- If the Court does not receive a filed objection by the District Attorney, the Clerk will submit the petition to a judicial officer for review and entry of the order, if appropriate on the 11th day after the service of the petition.
- If an objection is received, the Court shall place the matter on calendar, within 10 calendar days of the filing of the objection, and send notice of hearing to the District Attorney, Defense Attorney and/or Defendant.
- If the petition is granted after the hearing, the Court will direct that an Order after Hearing be prepared and submitted to the Court indicating the new expiration date of the defendant's probation.