

ATTORNEY OR PARTY WITHOUT ATTORNEY STATE BAR NUMBER: NAME: STREET ADDRESS: CITY: STATE: ZIP CODE: TELEPHONE NO. EMAIL ADDRESS: ATTORNEY FOR (name):	<i>FOR COURT USE ONLY</i>
SUPERIOR COURT OF CALIFORNIA, COUNTY OF ORANGE JUSTICE CENTER: <input type="checkbox"/> Central – 700 Civic Center Drive West, Santa Ana, CA 92701-4045 <input type="checkbox"/> Harbor – 4601 Jamboree Road, Newport Beach, CA 92660-2595 <input type="checkbox"/> North – 1275 North Berkeley Avenue, Fullerton, CA 92832-1258 <input type="checkbox"/> West – 8141 13 th Street, Westminster, CA 92683-4593	
PEOPLE OF THE STATE OF CALIFORNIA V. DEFENDANT: DATE OF BIRTH:	CASE NUMBER:
Motion for Relief Due to Discrimination Pen. Code § 745(a)	<i>FOR COURT USE ONLY</i> DATE: TIME: DEPT:

1. This motion is alleging the following violation(s) of subdivision (a) of Penal Code section 745 and seeks relief from the court based on said violation(s).

- Penal Code § 745(a)(1)** The judge, an attorney in the case, a law enforcement officer involved in the case, an expert witness, or juror exhibited bias or animus towards the defendant because of the defendant’s race, ethnicity, or national origin.
- Penal Code § 745(a)(2)** During the defendant’s trial, in court and during the proceedings, the judge, an attorney in the case, a law enforcement officer involved in the case, an expert witness, or juror, used racially discriminatory language about the defendant’s race, ethnicity, or national origin, or otherwise exhibited bias or animus towards the defendant because of the defendant’s race, ethnicity, national origin, whether or not purposeful. This paragraph does not apply if the person speaking is relating language used by another that is relevant to the case or if the person speaking is giving a racially neutral and unbiased physical description of the suspect.
- Penal Code § 745(a)(3)** The defendant was charged or convicted of a more serious offense than defendants of other races, ethnicities, or national origins who have engaged in similar conduct and are similarly situated, and the evidence establishes that the prosecution more frequently sought or obtained convictions for more serious offenses against people who share the defendant’s race, ethnicity, or national origin in the county where the convictions were sought or obtained.
- Penal Code § 745(a)(4)(A)** A longer or more severe sentence was imposed on the defendant than was imposed on other similarly situated individuals convicted of the same offense, and longer or more severe sentences were more frequently imposed for that offense on people that share the defendant’s race, ethnicity, or national origin than on defendants of other races, ethnicities, or national origins in the county where the sentence was imposed.
- Penal Code § 745(a)(4)(B)** A longer or more severe sentence was imposed on the defendant than was imposed on other similarly situated individuals convicted of the same offense, and longer or more severe sentences were more frequently imposed for the same offense on defendants in cases with victims of one race, ethnicity, or national origin than in cases with victims of other races, ethnicities, or national origins, in the county where the sentence was imposed.

2. **MOTION UNDER PENAL CODE SECTION 745(a)**

Supporting facts:

Describe the facts you allege constituted a violation of subdivision (a) of Penal Code section 745. *(If necessary, attach additional pages. You may use Attachment to Judicial Counsel Form (form MC-025) for any additional pages. If available, attach declarations, relevant records, transcripts, or other documents supporting the claim.)*

Requested Discovery:

Describe specifically the type of records and/or information you seek that is relevant to a potential violation of subdivision (a) of Penal Code section 745 that is in the possession or control of the state or the court.

3. **MOTION TO VACATE CONVICTION AND/OR SENTENCE UNDER PENAL CODE SECTION 1473.7(a)**

The Moving Party is not currently in criminal custody (criminal custody includes in jail or prison, or on bail, probation, mandatory supervision, post release community supervision (PRCS) or parole)

Supporting Facts:

Describe the facts showing that a conviction or sentence was sought, obtained, or imposed based on race, ethnicity, or national origin in violation of subdivision (a) of Penal Code section 745. *(If necessary, attach additional pages. You may use Attachment to Judicial Counsel Form (form MC-025) for any additional pages. If available, attach declarations, relevant records, transcripts, or other documents supporting the claim.)*

Requested Discovery:

Describe specifically the type of records and/or information you seek is relevant to a potential violation of subdivision (a) of Penal Code section 745 and that is in the possession or control of the state or the court.

4. The Moving Party requests that the court hold the hearing on this motion without the Moving Party's personal presence for the following reason(s):

5. The Moving Party requests relief upon granting of the motion based on supporting facts stated on the form.

Date: _____

(TYPE OR PRINT NAME)



(SIGNATURE OF MOVING PARTY OR ATTORNEY)