

**Order on Defendant's Petition for Resentencing
Pursuant to §15-22-54.1/Act 2010-753
(Technical Violation of Probation)**

Case Number
____ C 20 ____ - ____ .1

In the _____ Court of _____, Alabama
(Circuit or District) (Name of County)

State of Alabama v. _____, Defendant.

WHEREAS, the above-named defendant has petitioned this Court for resentencing under Act 2010-753 codified at §15-22-54.1, Code of Alabama (1975), and said law entitles eligible offenders to be resentenced upon filing of a petition for modification of sentence to the sentencing court; and whereas the Court has received and reviewed the petition of the defendant, the Court finds that (check one):

- This Court has jurisdiction pursuant to §15-22-54.1, Code of Alabama (1975). The petitioner meets all of the following criteria required by the statute:
1. The petitioner is nonviolent offender;
 2. The petitioner was sentenced by this Court;
 3. The petitioner had successfully completed the terms of probation, including remaining current on payment of court ordered money, for a consecutive six (6) month period;
 4. Probation was thereafter revoked, and the petitioner is currently serving a prison sentence based on revocation of probation;
 5. The revocation of probation was based on only technical violations;
 6. The petitioner has had no disciplinary infractions while serving the sentence in the penitentiary; and
 7. The petitioner has no pending charges or convictions for a new offense.

Thus, the petition is granted and the petitioner is entitled to be resentenced.

- This Court does not have jurisdiction pursuant to §15-22-54.1, Code of Alabama (1975). The petitioner does not meet one or any of the following eligibility requirements required by the statute (check all that apply):
- The petitioner has been convicted of a violent offense;
 - The petitioner was not sentenced by this Court;
 - The petitioner had not successfully completed the terms of probation for a consecutive six (6) month period under the current sentence;
 - The petitioner has not remained current on payment of court ordered money;
 - The petitioner is currently serving a prison sentence based on a reason other than revocation of probation;
 - The revocation of probation was based on violations other than technical violations;
 - The petitioner has had disciplinary infractions while serving the sentence in the penitentiary; or
 - The petitioner has pending charges or convictions for a new offense.

Thus, the petition is denied.

DONE AND ORDERED on this the _____ day of _____, 20____.

Circuit/District Judge