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SUPERIOR COURT OF CALIFORNIA, COUNTY OF PLACER

PEOPLE OF THE STATE OF CALIFORNIA Plaintiff, v. SHAWN MICHAEL RODRIGUEZ, Defendant/Petitioner.	**CUSTODY: PLACER JAIL** Case No.: 62-034689A Pen.C. § 1172.1 PETITION DATE: November 4, 2025 TIME: 1:00 P.M. Dept.: 20

PETITION

1. I, Shawn Michael Rodriguez, am the defendant in this action;
2. By this petition and declaration I request the court recall the sentence and commitment previously ordered and resentence me in the same manner as if I had not previously been sentenced, pursuant to Penal Code section[1] 1172.1;
3. I have filed, and there is currently pending, a proceeding under the authority of section 1203.01 and *People v. Franklin* (2016) 63 Cal.4th 261/*In re Cook* (2019) 7 Cal.5th 439 (*Franklin/Cook*);
4. I have filed my proposed *Franklin/Cook* submission, incorporated herein by this reference;
5. On October 6, 2003, a jury convicted me of violating sections 182 (conspiracy to commit murder), 209 (kidnapping for extortion, no death or bodily harm), 530.5 (two counts of identity theft), and vehicle code section 10851;
6. On December 5, 2003, Judge Frances A. Kearney sentenced me to a term of 25 years to life on the conspiracy conviction, a concurrent term of seven years to

[1] Unspecified statutory references are to the Penal Code.

life on the kidnapping conviction, two concurrent terms of two years on each identity theft conviction, and a two year term, stayed pursuant to section 654 on the vehicle code section 10851 conviction;

7. I am advised that changes in sentencing law which may apply to me include

   a. Section 654: At the time of my sentencing, where 654 applied to separate counts, a court was required to impose sentence on the offense which carried the longest term; in 2021, effective 2022, the Legislature amended the section to permit a court to punish a defendant under either of such provisions

   b. Section 1170: In 2021, the Legislature amended section 1170 by adding subsection (b)(6), which requires a sentencing court to impose a lower term sentence if certain circumstances apply, such as a history of psychological, physical, and childhood trauma, or the fact that at the time of the commitment offense the defendant was a youth

   c. Due process jurisprudence: In *Cunningham v. California* (2007) 549 U.S. 270, the United States Supreme Court "held that, with the exception of prior conviction allegations, under the Sixth Amendment, any fact that exposes a defendant to a greater potential sentence must be found by a jury and established beyond a reasonable doubt." (*People v. Lynch* (2024) 16 Cal.5th 730; in *Erlinger v. United States* (2024) 602 U.S. 821 (*Erlinger*) and *People v. Wiley* (2025) 17 Cal.5th 1069 (*Wiley*) the Supreme Courts of the United States and of California expanded defendants' rights to jury findings before permitting such facts to increase a defendant's sentence

8. In my case a sentence was stayed pursuant to section 654;

9. I experienced psychological, physical, and childhood trauma, and I was a youth as defined under subdivision (b) of Section 1016.7 at the time of the commission of the offense, and I believe, and an accredited psychologist, in a psychological evaluation submitted to this court has opined, that such trauma, and my youth, were contributing factors to my commitment offenses, as reflected in my *Franklin/Cook* submission and in Exhibit A attached to this petition and incorporated herein by this reference;

10. The probation report in this action stated that my record revealed an increasingly serious pattern of criminal behavior (albeit the trial court did not make any explicit findings);

11. Section 1172.1, subdivision (a)(B)(3) permits a resentencing court, with the concurrence of the defendant, to vacate a defendant's conviction and impose judgment on any necessarily included lesser offense or lesser related offense,

and I do concur to application of this subsection;

12. Section 1172.1, subdivision (a)(5) identifies factors which a court may consider in recalling and resentencing, and in support of this petition I am submitting a partial list of relevant documents, all of which is incorporated here by this reference:

    A. A current psychological report, to be filed under seal;

    B. Indeterminate and determinate abstracts of judgment;

    C. A CDCR case notes summary;

    D. Conduct credits, won and lost;

    E. Various Milestones, certificates of completion, and supervisors' reports;

    F. Additional certificates, accreditations, favorable "chronos" by institutional staff, and a miscellany from the Electronic Records Management System;

    G. Educational Progress Record from the Strategic Offender Management System

13. Shortly following my arrest I sent a letter to the victim in this action apologizing for my role in the commitment offenses, and I continue to regret and hold an abiding remorse for my conduct.

I declare under penalty of perjury that the information contained in this petition is true and correct, except those provisions alleged on information and belief, and as to those allegations I believe them to be true.

Signed in Auburn, California, on October 31, 2025

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Shawn Michael Rodriguez