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FILED
Superior Court of California
County of Placer

JUL 27 2023

Jake Chatters
Executive Officer & Clerk
By: A. Kommu, Deputy



SUPERIOR COURT OF THE STATE OF CALIFORNIA
IN AND FOR THE COUNTY OF PLACER

PEOPLE OF THE STATE OF
CALIFORNIA,
Plaintiff / Respondent;

v.

SHAWN MICHAEL RODRIGUEZ,
Defendant / Petitioner.

Case No.: 62-034689A
RULING ON RESENTENCING
PETITION

In 2003, defendant and petitioner Shawn Michael Rodriguez was convicted after jury trial of Penal Code section 182(a)(1), conspiracy to commit murder; Penal Code section 209(a), kidnapping for extortion; two counts of Penal Code section 530.5, using another's name to obtain credit or property; and Vehicle Code section 10851(a), vehicle theft. On December 5, 2003, the court sentenced Mr. Rodriguez to an indeterminate sentence of 25 years to life in the California Department of Corrections and Rehabilitation.

On July 20, 2023, petitioner filed a petition for resentencing pursuant to Penal Code section 1172.6.

1 pursuant to the natural and probable consequences doctrine. (Decl. Shawn
2 Rodriguez, para. 2.) This does not meet the requirements of Section
3 1172.6(a)(2), as it is not a declaration petitioner was convicted of an
4 eligible crime (that is, murder, attempted murder, or manslaughter
5 following a trial). Section 1172.6 does not apply to conspiracy to commit
6 murder or to kidnapping.

7 Similarly, petitioner declares he could not now be convicted of
8 conspiracy to commit murder or kidnapping because of changes made to
9 Penal Code sections 188 and 189. (Decl. Shawn Rodriguez, para. 3.) This
10 does not meet the requirements of Section 1172.6(a)(3), as it is not a
11 declaration that petitioner could not presently be convicted of murder or
12 attempted murder due to changes made to Penal Code section 188 and
13 189.

14 Disposition

15 Based on the foregoing, the petition is denied without prejudice.

16 The clerk is directed to serve a copy of this order on petitioner and on
17 the Office of the District Attorney for Placer County.

18
19 IT IS SO ORDERED.

20
21 DATED: 7/27/2023



22
23 Hon. Alan V. Pineschi
24 Judge of the Superior Court
25
26
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SUPERIOR COURT OF CALIFORNIA
IN AND FOR THE COUNTY OF PLACER

CERTIFICATE of SERVICE

Case no.: 62-034689A

Case name: People vs. Rodriguez, Shawn Michael

I, the undersigned, certify that I am a deputy clerk of the Superior Court of California, County of Placer. I am over 18 years of age and not a party to this action.

On 07/28/2023, in Placer County, California, I served the following documents:
(Date)

Ruling on Resentencing Petition

FILED
Superior Court of California
County of Placer

JUL 28 2023

Jake Chatters
Executive Officer & Clerk
By: A. Kommu, Deputy

Parties served:
Placer County District Attorney - Interoffice mail
Shawn Rodriguez

I served the parties:

In person in court

Electronically to _____
(Electronic Address)

By mailing true copies of the document(s) following standard court practices in a sealed envelope with postage fully prepaid, addressed as follows:

Shawn Rodriguez - V16387

CMC- East #6220

P.O. Box 8101

San Luis Obispo, CA 93409-8101

I am readily familiar with the court's business practices for collecting and processing documents for mailing; pursuant to those practices, these documents are delivered to:

The US Postal Service UPS FedEx Interoffice mail Other:

Dated: 07/28/2023

Jake Chatters
Clerk of the Placer County Superior Court

A. KOMMU

By: A. Kommu, Deputy Clerk