

GENERAL OFFICE MEMORANDUM 19-016

TO: ALL DISTRICT ATTORNEY PERSONNEL

FROM: JACKIE LACEY 
District Attorney

SUBJECT: THE MURDER RESENTENCING UNIT (P.C. 1170.95)

DATE: FEBRUARY 27, 2019

This General Office Memorandum (GOM) modifies the protocols set forth in GOM 18-173 regarding the handling of petitions by deputy district attorneys (DDAs) no longer with the Office or designated unavailable. All other protocols set forth in GOM 18-173 for handling these petitions remain in effect.

Penal Code (PC) §1170.95, effective January 1, 2019, allows defendants to petition for resentencing or dismissal if their conviction was based on a now-invalid theory of first- or second-degree murder. The Office has received hundreds of petitions and expects to receive thousands more, putting a strain on operations throughout the Office. To alleviate the workload that these petitions create for the deputy district attorneys (DDA) in the Office, I am pleased to announce the creation of the ad hoc Murder Resentencing Unit (MRU) under the leadership of Deputy-in-Charge (DIC) Brock Lunsford. The MRU will begin operations on March 1, 2019.

The MRU will be assigned to the Bureau of Specialized Prosecutions and will assist in handling PC §1170.95 petitions throughout the county. The unit will initially be comprised of a DIC, six DDAs, three paralegals, and one support staff member. The MRU will be responsible for the intake, sorting, categorizing, assigning, and litigation of the petitions that involve a DDA who is designated as unavailable or who is no longer with the Office. Starting on March 1, 2019, the following protocol shall be followed:

- On petitions received after March 1, 2019, where the original DDA is designated as unavailable or is no longer with the Office, the Assistant Head Deputy (AHD) receiving the petition shall forward the petition and any related case files and materials to the DIC of the MRU for handling.
- On petitions already assigned to a DDA prior to March 1, 2019, those petitions shall be forwarded to the MRU for handling. However, the assigned DDA has the discretion to continue to handle the petition after discussion with the AHD.
- When the petition involves a DDA who is with the Office and is available, the AHD shall continue to intake the petition and assign the petition to that DDA for handling. The MRU is available to provide guidance on these petitions.

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