

GENERAL OFFICE MEMORANDUM 19-073

TO: ALL DISTRICT ATTORNEY PERSONNEL

FROM:  JOSEPH P. ESPOSITO  
Chief Deputy District Attorney

SUBJECT: NEW *FRANKLIN* HEARING SECTION OF e-FOLDER;  
UPLOADING DOCUMENTS AND EVIDENCE

DATE: JULY 2, 2019

This General Office Memorandum (GOM) announces the creation of the new e-Folder section within PIMS to upload *Franklin* hearing documents and evidence. This memorandum supplements GOM 18-104 regarding *Franklin* Hearings.

A *Franklin* hearing is a judicially created remedy to redress a prior missed opportunity for the defense to provide, at sentencing, any mitigating youthful offender evidence for future parole consideration. The prosecution can also elect to present any evidence that further demonstrates the youthful offender's culpability, cognitive maturity, and any other factors that bear weight on the influence of youthful offender related factors. In accordance with the decision in *People v. Franklin* (2016) 63 Cal.4<sup>th</sup> 261, the overall goal of the hearing is to provide an avenue for the parties to make an accurate record through documentary and testimonial evidence of the youthful offender's characteristics at the time of the offense, so that the parole board, years later, may consider such evidence in its decision-making process at the actual Youthful Offender Parole Hearing (YOPH).

The Systems Division has created a new e-Folder section within PIMS for *Franklin* hearing documents and evidence. The documentation and testimony can be uploaded to the Post Conviction Section, subsection X12 - Franklin Hearings. To ensure the Lifer Unit can effectively litigate parole hearings involving youthful offenders, deputies handling *Franklin* hearings shall upload all defense and prosecution documentation and testimony presented at the hearings.

*Franklin* hearings can generate a wealth of information that may be relevant for use at future proceedings such as parole hearings involving the same youthful offender. Evidence introduced at *Franklin* hearings can include evidence introduced by the defense, such as documentation, evaluations or sworn testimony (subject to cross-examination) that may be noteworthy at the defendant's eventual YOPH.

To fully prepare for an inmate's eventual parole hearing, it is imperative that deputies assigned to the Lifer Unit have all available information relevant to the offender. This includes evidence produced during *Franklin* hearings.

Please direct any questions regarding *Franklin* hearing documents and evidence to the Head Deputy of the Parole Division.

sf