

GENERAL OFFICE MEMORANDUM 19-121

TO: ALL DISTRICT ATTORNEY PERSONNEL

FROM:  JOSEPH P. ESPOSITO  
Chief Deputy District Attorney

SUBJECT: SENATE BILL 651 – RETROACTIVE APPLICATION OF PENAL  
CODE §1054.9 POST-CONVICTION DISCOVERY

DATE: NOVEMBER 5, 2019

Senate Bill (SB) 651 has expanded Penal Code (PC) §1054.9 post-conviction discovery retroactively. Effective January 1, 2020, defendants who have been convicted of a serious or violent felony (strike) and sentenced to 15 or more years in state prison are entitled to post-conviction discovery regardless of the date of conviction. Prior to the enactment of SB 651, post-conviction discovery was only available to those defendants who sustained convictions after January 1, 2019. This General Office Memorandum (GOM) modifies GOM 18-158 to the extent that post-conviction discovery is now retroactive, and defendants are now entitled to PC §1054.9 discovery regardless of the date when he or she was convicted.

The Discovery Compliance Unit (DCU) of the Post-Conviction Litigation & Discovery Division currently handles all life without the possibility of parole (LWOP) and death penalty post-conviction discovery requests. Requests for post-conviction discovery when a defendant has been convicted of a serious or violent felony and sentenced to 15 or more years in state prison shall be handled by the division or office that prosecuted the case.

An amended outline and flow chart on how to litigate and process PC §1054.9 discovery requests can be located on LADAnet>Library>Office Manuals>Post-Conviction Discovery. Any further questions shall be directed to the DCU.

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