

GENERAL OFFICE MEMORANDUM 20-048

TO: ALL DISTRICT ATTORNEY PERSONNEL

FROM:  JOSEPH P. ESPOSITO
Chief Deputy District Attorney

SUBJECT: UPDATE ON PROPOSITION 47 AND IDENTITY THEFT

DATE: MARCH 20, 2020

In 2018, *People v. Jimenez* (2018) 22 Cal.App.5th 1282 held that a conviction for felony misuse of identifying information (PC § 530.5, subd. (a)) must be reduced to misdemeanor shoplifting (PC § 459.5, subd. (a)) if the underlying conduct involved retail theft. Part of GOM 18-084 informed deputies of this opinion.

The California Supreme Court granted review of *Jimenez* and has reversed, holding that misuse of identifying information is *not* subject to reclassification as misdemeanor shoplifting, regardless of the underlying conduct. (*People v. Jimenez* (Mar. 2, 2020, No. S249397) [___ Cal.5th ___](#) [2020 Cal.LEXIS 1415].)

This GOM supersedes GOM 18-084 on this subject.

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