

GENERAL OFFICE MEMORANDUM 20-102

TO: ALL DISTRICT ATTORNEY PERSONNEL

FROM:  JOSEPH P. ESPOSITO,
Chief Deputy District Attorney

SUBJECT: ASSEMBLY BILL 2942, PENAL CODE SECTION 1170(D)(1) AND
RECALLING A SENTENCED CASE

DATE: AUGUST 03, 2020

Assembly Bill 2942 (AB 2942) added the following language to Penal Code § 1170(d)(1): “the District Attorney of the county in which the defendant was sentenced” may recommend to the original sentencing court that it recall a sentence. Please refer to GOM 18-177 for specific details.

In the very near future, the Office will implement a protocol for reviewing Penal Code § 1170(d)(1) requests. Until that protocol is published, Penal Code § 1170(d)(1) requests received from a state prisoner shall be forwarded to the supervisor where the matter originated from for review and case management.

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