

OCTOBER 2018 — ADI NEWS ALERT

This alert¹ discusses these matters:

[Consider issues based on new statutory provisions created by SB 1391, SB 1393, and SB 1437.](#)

[Serve briefs and other documents using Public Defender, District Attorney, Attorney General, Superior Court, etc., *office* email addresses, not on individual attorneys or judges.](#)

[Reminders:](#)

- Paul Bell Fellowship applications.
- Seminars on prosecutorial misconduct and Division One practice.

Consider issues based on new statutory provisions created by SB 1391, SB 1393, and SB 1437.

On September 30, 2018, the last day for the Governor to sign or veto bills passed by the Legislature this past session (Cal. Const., art. IV, § 10(b)(2)), Governor Brown signed 79 bills. Three of the bills provide ameliorative changes that may affect our clients:

[Senate Bill No. 1391](#): Amendment to Welfare and Institutions Code section 707. Repeals district attorney authority to seek transfer of case charging an enumerated serious offense from juvenile to adult court when perpetrator was 14 or 15 years old at time of offense, unless the perpetrator was not apprehended before the jurisdiction of the juvenile court ended.

[Senate Bill No. 1393](#): Amendments to Penal Code sections 667, subdivision (a) and 1385 reinstate court's discretion to strike a section 667, subdivision (a) enhancement under section 1385.

¹As always, panel attorneys are responsible for familiarizing themselves with all ADI news alerts and other resources on the ADI website.

[Senate Bill No. 1437](#): Amendment to Penal Code sections 187 and 188 restricting accomplice liability for felony murder and murder under the natural and probable consequences doctrine; addition of Penal Code section 1170.95 to provide procedure to seek vacating and resentencing of murder conviction.

The bills become effective January 1, 2019. (Cal.Const., art. IV, §8(c).) The first two ameliorative changes are arguably available to our current clients under the well-settled principles of *In re Estrada* (1965) 63 Cal.2d 740. SB 1437 provides for a petition process to apply it to existing convictions.

ADI is preparing more detailed guidance for our [Recent Changes in the Law](#) pages, under STATUTES. It provides additional analysis of these new laws and explores how counsel can now raise the applicable issues. Sample briefing is also being assembled. Ask your buddy if you need assistance or samples.

Serve briefs and other documents using Public Defender, District Attorney, Attorney General, Superior Court, etc., office service email addresses, not on individual attorneys or judges

One of our Public Defender offices complained recently that some panel attorneys are serving documents on them using the email of the individual attorney assigned to the case, rather than the email address established by the office specifically for service purposes. The correct service addresses are listed on ADI's [CHEAT SHEET](#).

The purpose of establishing an office service address is to ensure the case is properly docketed and calendared for any necessary action, so that all staff, not just the attorney or judge, can be prepared and alerted. Service on the office also helps ensure the office's records are accurate.

Panel attorneys should help, however, by including "Attn: __ [name of assigned attorney or judge]" in the subject line or text or on the envelope of a hard copy service. This can be immensely useful to staff processing the document and delivering it to the individual responsible.

Reminders

- **Paul Bell Fellowship applications due soon.** Applications for the 2018 Fellowship are due October 14, 2018. Information about the Fellowship and an application form are on the ADI home page, middle column.
- **Brown bag seminar on prosecutorial misconduct, part 2.** The presentation is scheduled for October 16, 12:00-1:00. ADI staff attorneys will be presenting. The focus will be on appellate practice.
- **Brown bag seminar on Division One practice.** Presiding Justice McConnell and Managing Attorney Marsha Amin are scheduled to discuss practice in Division One on November 8, 12:00-1:00. They request questions from attendees, which may be submitted to staff attorney Art Martin (abm@adi-sandiego.com) or staff attorney Laura Furness (llf@adi-sandiego.com).