

F I L E D
Clerk of the Superior Court

DEC 27 2023

THE SUPERIOR COURT OF THE STATE OF CALIFORNIA

COUNTY OF SAN DIEGO

**IN RE DISCLOSURE OF PROBATION
REPORTS TO THE OFFICE OF THE
PRIMARY PUBLIC DEFENDER FOR
LIMITED PURPOSE OF DETERMINING
ELIGIBILITY FOR SPECIFIED POST-
CONVICTION RELIEF**

**GENERAL ORDER OF THE
PRESIDING DEPARTMENT**

ORDER NO. 010124-30

THE COURT FINDS AND ORDERS AS FOLLOWS:

The court has received numerous requests from the Office of the Primary Public Defender (“PPD”) for confidential probation reports intended to assist in investigating whether defendants are eligible for post-conviction relief.

Pursuant to Penal Code section 1203.05, probation reports generally become confidential 60 days from the date judgment is pronounced, and after that cannot be released absent a court order, except to the district attorney, the subject of the report (i.e. the defendant), or any person authorized or required by law to inspect or receive copies.

It is hereby ORDERED as follows:

- In those cases where a defendant is currently unrepresented and the PPD is investigating or pursuing post-conviction relief pursuant to Penal Code section 1016.5, 1473.7, or 1172.6

1 (formerly Penal Code section 1170.95), or the PPD has been appointed for that purpose, the
2 court hereby authorizes the disclosure of probation reports by this court, the San Diego County
3 Probation Department, the San Diego County District Attorney's Office, the California
4 Attorney General's Office, and the California Department of Corrections and Rehabilitation,
5 to the PPD for the purpose solely of investigating whether a particular defendant may be
6 entitled to such relief.

- 7 • Copies of probation reports provided to the PPD pursuant to this order are to be reviewed and
8 maintained by the PPD as confidential records.
- 9 • The probation reports subject to this order are to be reviewed only by PPD employees for the
10 purposes of investigating the prospect of filing a new motion or petition for post-conviction
11 relief under one of the code sections noted above. Such review must relate solely to the subject
12 of the report.
- 13 • Under no circumstances shall a probation report obtained pursuant to this order be shared with
14 any individual or agency outside the PPD.
- 15 • Copies of all probation reports provided pursuant to this order are subject to a protective order
16 whereby the disclosure of any and all victim information is strictly prohibited.
- 17 • If, after investigation, a decision is made that no motion or petition for post-conviction relief
18 pursuant to one of the code sections noted above will be filed or otherwise pursued in a case,
19 the PPD shall destroy the probation report from that case obtained pursuant to this order within
20 30 days from the date of the decision.

21 This order shall become effective on January 1, 2024, and expire on December 31, 2024,
22 unless otherwise ordered by this court.

23 IT IS SO ORDERED.

24
25 DATED: December 27, 2023



26 **HONORABLE MICHAEL T. SMYTH**
27 **PRESIDING JUDGE**
28