

January 22, 2026

Aaron Spolin
11500 W. Olympic Blvd., Suite 400
Los Angeles, CA 90064

(C/O Ms. Jenny Hodgkins)
Board of Disciplinary Appeals
Supreme Court of Texas
P. O. Box 12426
Austin, Texas 78711
Via e-mail to filing@txboda.org



F I L E D
Jan 27 2026

THE BOARD of DISCIPLINARY APPEALS
Appointed by the Supreme Court of Texas

In the Matter of Aaron Spolin,
State Bar Card No. 24118984

Dear Court:

I received the Petition for Reciprocal Discipline. I ask for an extension of time in order to retain counsel and submit a fully briefed objection to the proposed reciprocal disbarment. I have valid grounds to raise in an objection, as the disbarment in California violated due process rights in a number of ways and disbarment would be inappropriate.

Specifically, I ask for a 90-day extension to submit a fully briefed objection, and I intend to raise the following issues:

1. The disbarment procedure violated my due process rights because the California Bar threatened serial prosecution such that, no matter the outcome of the Bar trial, the Bar would have brought further cases on the exact same issue. This is despite the fact that all cases would have revolved around one central issue: whether recommending AB 2942 resentencing applications constituted misconduct.
 - a. See **Exhibit A, Motion to Abate Proceedings, 2024-10-23 [Denied]**
 - b. See **Exhibit B, Declaration of EJ ISO Motion to Abate Proceedings, 2024-10-29.**
2. The disbarment procedure violated my due process rights because the California Attorney General, in coordination with the California Bar, artificially held out the threat of a criminal prosecution during the pendency of the State Bar proceeding in a manner that effectively prevented me from testifying in my own defense. Within days of my disbarment, the California Attorney General's Office informed my counsel that they were not taking any action. As there had been no change in circumstance for over two years, this disclosure had clearly been artificially withheld in order to effectively prevent me from defending myself. See a fuller discussion of this, as well as the groundlessness of any criminal prosecution, in the abatement motion attached.
 - a. See **Exhibit A, Motion to Abate Proceedings, 2024-10-23**

3. The disbarment procedure violated my due process rights due to the denial of discovery; I was not allowed to subpoena the Orange County or Los Angeles district attorneys offices to obtain documents showing the serious consideration that my AB 2942 applications were receiving in their offices as well as the consideration they gave to other attorneys' submissions of AB 2942 resentencing applications. This issue is discussed in further detail in the motion to serve subpoenas as well as the abatement motion. Additionally, the attached letter (on case R. O.) and order (on case L. S.) provide examples of serious consideration that undermined the CA Bar's argument, but I was not able to obtain extensive other documents such as these due to the denial of discovery.
 - a. See **Exhibit C, Motion to Serve Subpoenas, 2024-10-23 [Denied]**.
 - b. See **Exhibit D, Successful AB 2942 Application on Serious Felony - Redacted**.
 - c. See **Exhibit E, Encouragement on AB 2942 Application from DA – Redacted**.
4. The outcome in the California proceeding was a "grave injustice" that counsel experienced in Texas bar proceedings will be better able to articulate as it relates to Texas bar rules.
5. An extension is appropriate not only because of the due process and fairness issues discussed above but because this matter is highly complicated and not the standard reciprocal-sanction matter that may come before Texas courts. It involves what will likely be issues of first impression as it relates to when reciprocal sanctions are appropriate and when they are not.

I believe that 90 days is the amount of time I would need to have a fully briefed objection raising the above issues in addition to retaining counsel.

If this Court will only allow an extension on the condition that I am put on inactive status with the Texas Bar, then I will consent to such a classification. However, I ask that such a step not be taken unless this Court deems it necessary in order to grant the extension.

Thank you for your consideration.

I affirm under penalty of perjury of the laws of Texas to the facts stated in this letter to the best of my information, knowledge, and belief, executed on January 27, 2026.

/s/
Aaron Spolin

1/27/2026
Date

PROOF OF SERVICE

In the Matter of Aaron Spolin,
State Bar Card No. 24118984

STATE OF TEXAS)
)§
COUNTY OF AUSTIN)

I affirm that on January 27, 2026, I served a copy of the attached Letter of January 27, 2026, Exhibits, and this Proof of Service in the above-referenced matter upon the following:

Richard A. Huntpalmer
Assistant Disciplinary Counsel
State Bar of Texas
P.O. Box 12487
Capitol Station
Austin, Texas 78711-2487
Richard.Huntpalmer@texasbar.com

Ms. Jenny Hodgkins
Board of Disciplinary Appeals
Supreme Court of Texas
P. O. Box 12426
Austin, Texas 78711
filing@txboda.org

via tracked mail by enclosing same in a sealed envelope properly addressed with sufficient postage affixed and depositing in the United States Mail.

I declare that the statement above is true to the best of my information, knowledge and belief.

/s/
Michael Alfi
Mailroom Manager
Criminal Appeals Advocates PC
11500 W. Olympic Blvd., Suite 400
Los Angeles, CA 90064



FILED

Jan 27 2026

THE BOARD of DISCIPLINARY APPEALS
Appointed by the Supreme Court of Texas

Erin Joyce, Esq., SBN 149946
ERIN JOYCE LAW, PC
117 East Colorado Boulevard, Suite 465
Pasadena, California 91105
Telephone: (626) 314-9050
Email: erin@erinjoycelaw.com

Attorneys for Respondent
AARON SPOLIN

FILED

10/31/2024

**STATE BAR COURT
CLERK'S OFFICE
LOS ANGELES**

STATE BAR COURT OF CALIFORNIA
HEARING DEPARTMENT – LOS ANGELES

In the Matter of

AARON SPOLIN,

State Bar No. 310379.

Case No.: SBC-24-O-30656-DGS
(OCTC Case Nos. 22-O-14419, 23-O-13011,
23-O-19035, 23-O-20688)

- (1) **RESPONDENT AARON SPOLIN'S
MOTION TO ABATE
PROCEEDINGS PURSUANT TO
RULE OF PROCEDURE OF THE
STATE BAR OF CALIFORNIA
5.50(A);**
- (2) **MEMORANDUM OF POINTS AND
AUTHORITIES IN SUPPORT
THEREOF;**
- (3) **DECLARATION OF ERIN JOYCE,
ESQ. IN SUPPORT THEREOF
[FILED CONCURRENTLY
HEREWITH]**

**TO THE HONORABLE DENNIS G. SAAB, JUDGE OF THE STATE BAR COURT,
AND TO THE STATE BAR OF CALIFORNIA, OFFICE OF CHIEF TRIAL
COUNSEL:**

///

///

///

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

TABLE OF CONTENTS

**RESPONDENT AARON SPOLIN’S MOTION TO ABATE PROCEEDINGS
PURSUANT TO RULE OF PROCEDURE OF THE STATE BAR OF CALIFORNIA
5.50(A);**..... 1

MEMORANDUM OF POINTS AND AUTHORITIES..... 3

I. STATEMENT OF FACTS..... 3

II. AUTHORITY FOR THIS MOTION..... 7

A. Rule of Procedure of the State Bar of California 5.50 (A) Abatement 7

**1. The OCTC intends to serially prosecute Respondent despite a common time
period (approximately 2020 to 2022) and a near-identical central issue on all cases. ...** 8

**2. The OCTC is closely cooperating with law enforcement in a California Attorney
General investigation, the existence of which prevents Respondent from effectively
defending himself.** 12

**3. The OCTC has refused to provide discovery to Respondent, which there is a
good faith basis for believing contains exonerating evidence** 14

**4. The OCTC is now opposing abatement as a back-door method of achieving a
Business & Professions Code (“B&P”) 6007 involuntary enrollment without having to
meet the high burden for B&P section 6007.....** 16

III. CONCLUSION 19

TABLE OF AUTHORITIES

Cases

<i>Ballard v. State Bar</i> , (1988) 35 Cal.3d, 274, 286, fn. 22	8
<i>In Matter of Gustin</i> , No. 11-O-17015, 2015 WL 9673294 (Cal. Bar Ct. Dec. 16, 2015).....	18
<i>In the Matter of Eastman</i> , No. 23-O-30029 (Cal. Bar Ct. Aug. 25, 2023)	18
<i>In the Matter of Morone</i> (Review Dept.1990) 1 Cal.State Bar Ct.Rptr. 207, 214.....	8
<i>In the Matter of Respondent J</i> (Review Dept.1993) 2 Cal.State Bar Ct.Rptr. 273, 276	8
<i>In the Matter of Seltzer</i> , No. 11-O-12820, 2013 WL 5826033 (Cal. Bar Ct. Apr. 16, 2013).....	16
<i>In the Matter of Seltzer</i> , No. 11-O-12820, 2013 WL 5826033 at *3 (Cal. Bar Ct. Apr. 16, 2013)	18
<i>Matter of DeAguilera</i> , No. 13-O-16057, 2021 WL 5344567, at *2 (Cal. Bar Ct. Nov. 10, 2021)	18
<i>Matter of Eastman</i> , No. 23-O-30029 (Cal. Bar Ct. Aug. 25, 2023)	18
<i>Matter of Hsiaosheng Li</i> , No. 15-O-13353, 2021 WL 165150 (Cal. Bar Ct. Jan. 12, 2021)	18
<i>Matter of Look</i> , No. 11-O-17894, 2014 WL 1159792 (Cal. Bar Ct. Mar. 7, 2014)	18
<i>Matter of Respondent L</i> , No. 90-O-12262, 1993 WL 229563, at *4 (Cal. Bar Ct. June 24, 1993)	8
<i>Matter of Respondent L</i> , No. 90-O-12262, 1993 WL 229563, at *5 (Cal. Bar Ct. June 24, 1993)	16
<i>Matter of Roshan</i> , No. 17-O-01202, 2020 WL 13973430 (Cal. Bar Ct. Aug. 27, 2020)	18
<i>Matter of Rubin</i> , No. 17-O-01810, 2021 WL 841047, at *1 (Cal. Bar Ct. Mar. 4, 2021), as modified (Apr. 16, 2021)	9, 18
<i>Matter of Shafer</i> , No. 12-O-18163, 2018 WL 2459570, at *9 (Cal. Bar Ct. Feb. 15, 2018)....	9, 17
<i>Matter of Thomas</i> , No. 15-O-14870, 2022 WL 18910651, at *1 (Cal. Bar Ct. Aug. 26, 2022)..	18
<i>Palomo v. State Bar</i> (1984) 36 Cal.3d 785, 792	16
<i>Shafer</i>	9

Statutes

Business & Professions Code section 6007	17, 19
Penal Code section 667(e)(2)(c)(IV)	5
Penal Code section 667.5(c)	5
Penal Code section 1170(d)(1).....	3
Penal Code section 1192.7(c)	5
State Bar Rules Proc. 5.50(A).....	8
State Bar Rules Proc. 5.50(D).....	8

Other Authorities

California Assembly Bill 2942	3, 4, 5, 16, 20
Los Angeles County District Attorney's Office Special Directive 20-14	3
Los Angeles County District Attorney's Office Special Directive 22-05	3

Rules

State Bar Rule of Procedure 5.50.....	8, 17, 18, 19
State Bar Rule of Procedure 5.50 (A)	18
State Bar Rule of Procedure 5.50(B)	17
State Bar Rule of Procedure 5.50(B)(1).....	18
State Bar Rule of Procedure 5.50 (B)(2)-(3).....	18
State Bar Rule of Procedure 5.50 (B)(4).....	18, 19
State Bar Rule of Procedure 5.50 (B)(7).....	18
State Bar Rule of Procedure 5.50 (B)(8).....	18
State Bar Rule of Procedure 5.50 (C)	8

1 Respondent Aaron Spolin, by and through counsel, hereby moves for an order abating
2 the proceedings filed under State Bar Court Case No. SBC-24-O-30656 pending the Office of
3 Chief Trial Counsel's (OCTC) filing of formal charges based on additional investigations
4 pending against Respondent and the ongoing criminal investigation being conducted by the
5 California Attorney General.

6 This motion is based upon this motion, the accompanying memorandum in support of
7 this motion, the files and records in this action, and any further evidence and argument that the
8 Court may receive at or before the hearing.

9 Respectfully submitted,

10 ERIN JOYCE LAW, PC

11 Dated: October 29, 2024

12 By: 

13 ERIN JOYCE, ESQ.
14 Attorneys for Respondent
15 AARON SPOLIN
16
17
18
19
20
21
22
23
24
25
26
27
28

1 **MEMORANDUM OF POINTS AND AUTHORITIES**

2 **I. STATEMENT OF FACTS**

3 In 2018, California Assembly Bill 2942 (“AB 2942”) was passed into law. This law
4 effectively amended section 1170(d)(1) of the California Penal Code, allowing a court to
5 “recall the sentence and commitment previously ordered and resentence the defendant” upon
6 the request of the “district attorney of the county in which the defendant was sentenced...”
7 (2017 Bill Text CA A.B. 2942).¹ Following the passing into law of AB 2942, Respondent
8 Aaron Spolin advised a number of his clients, clients that he analyzed as having a real chance
9 of lowering their sentence, to file AB 2942 applications.

10 Mr. Spolin advised his clients to file AB 2942 applications in the Los Angeles County
11 District Attorney’s (“LADA”) Office following his understanding of the Los Angeles County
12 District Attorney’s Office’s Special Directive 20-14.² (**Exhibit 1**) Special Directive 20-14
13 stated, “[For] cases where the defendant received a sentence that was inconsistent with the
14 [Office’s current] charging and sentencing policies... [The DA’s] Office shall use its powers
15 under Penal Code section 1170(d)(1) to recommend recall and resentencing.”³ (**Exhibit 1**, p.
16 6.) The Special Directive then listed cases that would receive priority/expedited review. Mr.
17 Spolin understood this to mean that other cases would still be considered but not “expedited.”

18 Special Directive 22-05, effective as of July 2022, seems to have been created out of
19 the confusion and disorganization that resulted from Special Directive 20-14’s expansive
20 language and sets out two, potentially three, tracks for resentencing. (**Exhibit 2**) The multi-
21 track method of resentencing under Special Directive 22-05 seems to acknowledge the lack of
22 conformity inherent in a discretionary action like a resentencing; individual Deputy District
23 Attorneys (“DDAs”) might see cases differently, might interpret the importance of the priority
24 criteria differently, and might respond differently even to similar fact patterns. Again, Mr.

25 ¹ Before Governor Brown signed this new law into effect, existing law permitted only the Secretary of the
26 California Department of Corrections and Rehabilitation or the Board of Parole Hearings, in the case of state prison
27 inmates, or the County Correctional Administrator in the case of county jail inmates, to recommend the recall and
28 resentencing to a lower sentence.

² Special Directive 20-14 was in effect from December 8, 2020 to July 25, 2022, when it was superseded by Special
Directive 22-05.

³ The Special Directive goes on to estimate that there are 20,000 to 30,000 cases that will warrant a resentencing
because their sentence is “out-of-policy” relative to the new policies.

1 Spolin reasonably interpreted the confusing Special Directive to mean his clients would be able
2 to apply for resentencing, especially given the numerous instances where the Los Angeles
3 County District Attorney's Office encouraged the filing of AB 2942 petitions, with one letter
4 from the District Attorney's Office stating "As usual, you have provided a strong packet of
5 mitigation on the behalf of your client. I am happy to meet with you to discuss resentencing in
6 this case..." **(Exhibit 3)**

7 The Orange County District Attorney Office's application of the new AB 2942 laws
8 was also unclear. Differing opinions emerge from the Deputy District Attorneys ("DDA")
9 assigned to the Orange County District Attorney's Office ("OCDA")⁴ and DDAs assigned to
10 that Office's Conviction Integrity Unit ("CIU"),⁵ leading to confusion about who may submit
11 an AB 2942 application.

12 This history of resentencing in California is fraught with uncertainty, contradictions,
13 and conflicting information. As seen from the above, AB 2942 was new, untested, confusing,
14 and ever-changing. Private criminal attorneys like Mr. Spolin have been attempting to
15 navigate this minefield on behalf of their clients since the law's passage in 2018.
16 Unfortunately, the path to achieving "restorative justice" has been anything but smooth, and
17 Mr. Spolin attempted to wade through the uncertainty in an effort to assist his clients,
18 assistance that may have meant a change from death penalty to life.

19 A summary of the charges in this case is necessary. State Bar Case No. SBC-24-O-
20 30656 encompasses four cases involving a similar fact pattern: OCTC Case Nos. 22-O-14419,
21 23-O-13011, 23-O-19035, 23-O-20688. The NDC in this matter alleges that "As of no later
22 than February 2021, the LADA website identified the "priority criteria" it used when
23 considering AB 2942 applications. The website stated that adults whose cases fit all of the
24 following criteria would be prioritized for review: (1) age 50 and older; (2) sentenced to 20
25 years or more; (3) served a minimum of ten years in custody; (4) serving a sentence for a non-
26 serious or non-violent felony [serious and violent felonies are defined in Penal Code section
27 1192.7(c) and Penal Code section 667.5(c)]; (5) has not suffered a prior conviction for a 'super

28 ⁴ OCDA appears to allow more discretion in resentencing requests.

⁵ CIU appears to take a rigid approach in denying any resentencing requests

1 strike,' as defined in Penal Code section 667(e)(2)(c)(IV); and (6) is not a sex offender
2 registrant. The LADA website specifically stated in its FAQs section that the LADA "cannot
3 accept calls, emails, letters, or other submissions regarding individual cases" and that "a lawyer
4 cannot initiate or accelerate the review process for an individual case." (NDC, at paragraph 5)

5 The First Count of the Notice of Disciplinary Charges ("NDC") charges the
6 Respondent with soliciting employment and the payment of additional fees from Holmes and
7 Holley for Respondent to pursue relief under AB 2942. It further alleges that the Respondent
8 failed to communicate and explain the matter to the extent reasonably necessary to permit the
9 clients to make an informed decision regarding that representation by failing to inform those
10 clients of the fact that the case did not fall within the "priority criteria" the LADA applied in its
11 consideration of AB 2942 resentencing matter. It alleges further that Respondent had been
12 given notice by the LADA that there was no need for criminal defendants to take any action to
13 be considered for resentencing and that the LADA would independently identify the cases it
14 would prioritize for resentencing consideration under the law. The NDC alleges that the
15 LADA website specifically stated that the LADA was not accepting submissions regarding
16 individual cases seeking relief, that Respondent had not successfully obtained resentencing
17 relief on behalf of any individual under AB 2942 and the client's employment of the
18 Respondent was unlikely to result in the client obtaining meaningful relief under AB 2942.

19 Counts Two and Three make similar factual allegations regarding misleading
20 statements by the Respondent and misleading advertising.

21 Without restating all of the factual allegations regarding case numbers 23-O-13011, 23-
22 19035 and 23-O-206688, the NDC contains similar allegations regarding additional clients
23 who did not fall within the "priority criteria" applied by LADA, as well as making
24 misstatements to those clients and charging an unconscionable fee. While these facts have been
25 broadly summarized, they are set forth in this manner so that the court has an understanding of
26 the position of the OCTC: that Mr. Spolin is being charged with not following the procedure
27 that was developed by LADA, making misrepresentations about the success of these types of
28 petitions and questioning whether such an application was able to be made by a private
attorney under the new law.

1 On September 30, 2024, Judge Dennis G. Saab entered a Scheduling Order which set
2 dates for the trial that will commence on December 17-20, 2024, and January 14–17, 2025, at
3 9:00 a.m. with an estimate of eight (8) days for trial. (**Exhibit 4**)

4 Aaron Spolin has been practicing criminal law since 2013, when he worked as an
5 Assistant District Attorney in the Bronx County District Attorney’s Office in New York City.
6 He joined that office after having graduated from U.C. Berkeley School of Law, where he was
7 a member of the *California Law Review*.

8 Mr. Spolin has been practicing law in California since 2016 and has done a wide array
9 of criminal law work, including criminal defense and criminal appeals. His firm, Spolin &
10 Dukes P.C., formerly Spolin Law P.C., has several other attorneys employed by the firm whose
11 Bar admissions include California, New York, Texas, and Pennsylvania. Mr. Spolin works
12 hard for his clients, while trying to establish Spolin & Dukes as a leading law firm in the area
13 of criminal appeals.

14 The OCTC recently submitted to Respondent’s attorney a Notice of Disciplinary
15 Charges pre-filing letter for another new matter, stating that the OCTC “anticipate[s] moving
16 the case forward for prosecution.” (**Exhibit 5**, September 3, 2024, letter on case no. 23-O-
17 23496, Re: Client B. M.). On October 5, 2024, OCTC served a notice of intent letter in case
18 no. 23-O-23496. (**Exhibit 6**) A prefiling settlement conference is now scheduled for November
19 6, 2024. (**Exhibit 7**) A new notice of disciplinary charges is likely to be filed in early
20 November. It simply does not make sense to start a trial on December 17, 2024, when another
21 trial will be scheduled within 125 days of November 7, 2024, the day that OCTC is likely to
22 file their new NDC.

23 There are multiple similar investigations which Mr. Spolin has addressed in the
24 investigation state. Based on the earlier TR letter sent on the newest case, the OCTC’s primary
25 argument on that matter is nearly identical to the John Poe, Thomas Stringer, and Karl Holmes
26 cases present on this matter: Respondent is accused of recommending a resentencing in Los
27 Angeles County in 2022 without having disclosed prior discouragement from the LADA’s
28 Office regarding resentencing requests or the existence of a list of case types to be given
“priority.” The NDC sent to Respondent’s attorney in Case No. 23-O-23496 is clear evidence

1 of both “related proceedings,” (meaning civil, criminal, administrative, or State Bar Court
2 proceeding that involves the same subject matter) and that “the issues in the proceeding are
3 substantially the same as in a related proceeding.”

4 Respondent has received eleven (11) additional TR letters on other cases besides the
5 four listed in this matter. (Attached as **Exhibits 8, 9, 10, 11, 12, 13, 14, 15, 16, 17 and 18** are
6 the TR letters dated December 1, 2023, December 27, 2023, April 23, 2024, June 18, 2024,
7 July 12, 2024, July 24, 2024, September 3, 2024, September 17, 2024, September 16, 2024,
8 October 1, 2024, and October 4, 2024, respectively Every single case involves the same issue:
9 the alleged failure to disclose resentencing policy information from Los Angeles or Orange
10 County in 2020, 2021 or 2022. Some of the complaints also allege impermissible advertising.
11 Thus, the primary issues on all cases disclosed by the OCTC involve the same set of operative
12 facts and will require the same or similar judicial analysis of the reasonableness of
13 Respondent’s actions.

14 The Respondent has requested all of the complaints that have been filed in this matter
15 with the OCTC, but the OCTC has refused this request. (Declaration of Erin Joyce, paragraph
16 10) The OCTC has refused to place the universe of complaints before this court to allow even a
17 proper consideration of the scope and extent of the totality of complaints involved. Suffice it to
18 say that the information set forth in this motion has established that the large number of
19 complaints involving identical legal issues create a compelling case for both abatement and
20 consolidation once disciplinary charges are filed in those matters.

21 **II. AUTHORITY FOR THIS MOTION**

22 ***A. Rule of Procedure of the State Bar of California 5.50 (A) Abatement***

23 The State Bar Court may abate a proceeding upon motion of any party or the Court's
24 own motion after notice to the parties. (State Bar Rules Proc. 5.50(A)) The Court may at any
25 time require any party to furnish information concerning an abated proceeding or order the
26 parties to appear at a conference concerning the abated proceeding. (State Bar Rules Proc.
27 5.50(D)) Abatement stays the proceeding in the State Bar Court and tolls all time limitations in
28 the proceeding, but the Court may grant a motion for perpetuation of evidence.

1 Subsection (B) sets forth the relevant factors for an abatement, that the Court may
2 consider to determine a motion under this rule, including the need to dispose of the proceeding
3 at the earliest time and the extent to which: (1) the issues in the proceeding are substantially
4 the same as in a related proceeding; (2) the proceeding would probably be delayed by waiting
5 for the trial or an appeal in a related proceeding; (3) the proceeding would probably be
6 expedited by waiting for the disposition in a related proceeding; (4) evidence to be adduced in
7 a related proceeding would aid in determining the proceeding; (5) evidence may become
8 unavailable because of any delay; (6) parties, witnesses, or documents are currently unavailable
9 for reasons beyond the parties' control; (7) a party or witness may be prejudiced in a related
10 proceeding by delaying or proceeding with further action; and (8) a Client Security Fund claim
11 would be unnecessarily delayed.

12 "Related proceedings" means a civil, criminal, administrative, or State Bar Court
13 proceeding that involves the same subject matter or in which a party, real party in interest, or
14 witness in one proceeding is also a party or witness in another proceeding. (Rule 5.50 (C))

15 The hearing judge's order on the issue of abatement is a procedural matter, with the
16 standard of review being one of abuse of discretion. (See *Ballard v. State Bar*, (1988) 35
17 Cal.3d, 274, 286, fn. 22; *In the Matter of Respondent J* (Review Dept.1993) 2 Cal.State Bar
18 Ct.Rptr. 273, 276; *In the Matter of Morone* (Review Dept.1990) 1 Cal.State Bar Ct.Rptr. 207,
214.)

19 The hearing judge should conduct an inquiry into the facts and circumstances that
20 might sustain or refute the conclusion that abatement was required and articulate the criteria for
21 abatement weighing the record against those criteria. *Matter of Respondent L*, No. 90-O-12262,
22 1993 WL 229563, at *4 (Cal. Bar Ct. June 24, 1993)

23 **1. The OCTC intends to serially prosecute Respondent despite a common time**
24 **period (approximately 2020 to 2022) and a near-identical central issue on all**
cases.

25 After a nearly two-year and still ongoing investigation, the OCTC has informed
26 Respondent's counsel that they intend to serially prosecute Respondent, bringing multiple
27 cases in succession, despite all the cases arising from a period of time spanning approximately
28

2020 to 2022 and involving significant overlapping facts and a nearly identical central issue: Respondent's conduct in recommending applications for resentencing.

Avoidance of serial prosecution is a well-established reason for abatement to be granted. *Matter of Shafer*, No. 12-O-18163, 2018 WL 2459570, at *9 (Cal. Bar Ct. Feb. 15, 2018) (abatement granted due to "pending investigation of another [State Bar] case."); *Matter of Rubin*, No. 17-O-01810, 2021 WL 841047, at *1 (Cal. Bar Ct. Mar. 4, 2021), as modified (Apr. 16, 2021) ("the case was abated on May 22, pending the filing of additional charges."). Both of the above examples of abatement to avoid serial prosecution involved serious accusations on major cases. *Shafer* involved many counts, including moral turpitude through elder abuse and conflicts of interest. *Rubin* also involved a large number of counts, including misappropriation, and the attorney had multiple prior instances of discipline. Therefore, abatement to avoid serial prosecution is not merely for "minor" cases.

As one example of clear intent to serially prosecute Respondent, the OCTC recently submitted to Respondent's attorney a pre-filing letter for a new matter, stating that the OCTC "anticipate[s] moving the case forward for prosecution." (**Exhibit 5**, September 3, 2024, letter on matter number 23-O-23496, Re: Client B.M.) (See **Exhibit 6**, October 10, 2024, Notice of Disciplinary Charges.) The pre-filing letter lists five alleged violations, and they are identical to the alleged violations on the four matters present here: Rule 1.4(b), 2.1, 7.1(a), 1.5(a), and Business & Professions Code 6106. Based on the earlier TR letter sent on that case, the OCTC's primary argument in that matter is nearly identical to the John Poe, Thomas Stringer, and Karl Holmes cases present in this matter: Respondent is accused of recommending a resentencing in Los Angeles in 2022 without having disclosed prior discouragement from the LADA's Office regarding resentencing requests or the existence of a list of case types to be given "priority." Respondent has provided a full refund for all resentencing-related work for the listed complainant on the new case (as well as for all resentencing work on the complainants on this case, excluding John Poe, whose case was within the DA list of case categories to be "expedited" at the time of the recommendation).

The October 10, 2024, the NDC which was sent to Respondent's attorney in the matter of Complainant BM/TMM, Case No. 23-O-23496 (**Exhibit 6**), shows clear evidence of both

“related proceedings,” meaning civil, criminal, administrative, or State Bar Court proceeding, that involves the same subject matter, and that “the issues in the proceeding are substantially the same as in a related proceeding.” The legal issues in all of these cases are virtually identical.

The following chart lists the TR letters Respondent has received, as well as a brief summary of the subject matter:

OCTC Investigation Number	Year Representation Began	Subject Matter and Quotation From TR Letter
23-O-15672 (JR)	2020	Los Angeles County resentencing <i>(“Does the case review prepared by respondent’s firm on behalf of [redacted] discuss the Los Angeles District Attorney’s Office priority criteria for resentencing review under AB2942? If not, please explain why not.”)</i>
23-O-16555 (MW)	2020	Orange County resentencing and advertising statements <i>(“Did respondent explain the OCDA policy to [redacted] or [redacted] prior to them retaining respondent and/or prior to [redacted] completing the payment installments?”)</i>
23-O-10397 (JH)	2021	Los Angeles County resentencing <i>(“Does the case review that respondent’s firm prepared for [redacted] discuss the priority criteria publicized by the LADA for AB2942 eligibility? If not, why not?”)</i>
23-O-18229 (JJ)	2021	Orange County resentencing <i>(“Did respondent explain the OCDA policy to [redacted] or [redacted] prior to them retaining respondent and/or prior to [redacted] and [redacted] completing their payment installments?”)</i>
23-O-18002 (DW)	2021	Los Angeles County resentencing and advertising statements <i>(“Did respondent or anyone else in respondent’s firm ever discuss the Los Angeles District Attorney’s Office’s priority criteria for resentencing review under AB2942, publicized on the LADA website, with [redacted]?”)</i>

24-O-14431 (DJ)	2021	Los Angeles County resentencing and advertising statements <i>(“Did respondent or anyone else in respondent’s firm ever discuss the Los Angeles District Attorney’s Office’s priority criteria for resentencing review under AB2942”)</i>
23-O-16130 (WC)	2021	Los Angeles County resentencing and advertising statements <i>(“Did respondent or anyone else in respondent’s firm ever discuss the Los Angeles District Attorney’s Office’s priority criteria for resentencing review under AB2942”)</i>
23-O-26757 (CA)	2022	Los Angeles County resentencing and advertising statements <i>(“Did respondent or anyone else in respondent’s firm ever discuss the Los Angeles District Attorney’s Office’s priority criteria for resentencing review under AB2942”)</i>

It should be noted that, for well over a year, Respondent has refused paid representation related to DA-initiated resentencing. Respondent has also modified or removed his firm’s advertising statements mentioned in the TR letters.

The OCTC has already had sufficient time to conduct all their investigations, as they began this investigation in 2022, indicated by a detailed January 2023 letter sent to Respondent, which was later withdrawn. With only one exception, none of the TR letters that Respondent has received have had “24” prefixes, indicating that complaints were made in 2023 or earlier. Even the one TR letter with a 24 prefix relates to representation that began in 2021. Respondent’s counsel has worked diligently responding to the TR letters. And despite the considerable burden in gathering requested material for new TR letters, while also assisting counsel on an extensive PSC statement, preparing for this trial, and managing a law firm of five full-time attorneys, Respondent has provided detailed responses to all TR letters sent prior to October 1, 2024. Instead of serially prosecuting Respondent, the OCTC should conclude their investigations and bring one consolidated case.

Not only would serial prosecution result in serious due process issues for Respondent, but it would be an inefficient use of judicial resources and witness time. Respondent intends to

1 call at trial over a dozen witnesses regarding his frankness when speaking with current and
2 potential clients. These witnesses include current and former employees who have listened in
3 on phone calls, current and former clients whom Respondent informed of the low odds of
4 success, as well as potential clients who did not hire Respondent because of his frank
5 assessments. Thus, not only would the OCTC's evidence be duplicative, but Respondent's
6 defense would essentially have to be repeated multiple times in multiple trials, wasting the time
7 and resources of the Court, as well as numerous prosecution and defense witnesses.

8 Respondent's witnesses will also include numerous Deputy District Attorneys in
9 multiple counties who either seriously considered or agreed to resentence Respondent's clients,
10 including on matters outside of their office's priority criteria. These witnesses will also testify
11 to the extensive effort Respondent and his employees made in order to genuinely fight for
12 resentencing, including letters, emails, phone calls, and repeated in-office visits, both pre-
13 scheduled and spontaneous. Thus, a series of trials on this one repeated issue will needlessly
14 involve the waste of time and resources on the part of Respondent, witnesses, this Court and
15 other governmental agencies.

16 **2. The OCTC is closely cooperating with law enforcement in a California**
17 **Attorney General investigation, the existence of which prevents Respondent**
18 **from effectively defending himself.**

19 Respondent has engaged in no criminal conduct and has pursued post-conviction relief
20 for his clients in good faith. Nonetheless, an April 21, 2023 *Los Angeles Times* article quoted a
21 letter from OCTC Senior Trial Counsel Akili Nickson where he disclosed that the OCTC's
22 investigation "involves close cooperation of our law enforcement partners." (**Exhibit 19**, April
23 21, 2023 article, *Los Angeles Times*) Therefore, not only does such an investigation exist, but
24 the OCTC is an active participant.

25 The existence of such an investigation and the OCTC's role mean that Respondent will
26 not be able to effectively defend himself and explain his conduct. The OCTC, effectively as an
27 agent of and aid to the Attorney General, will be able to cross-examine Respondent on a wide
28 array of matters. Even completely innocuous statements can be used as foundational elements
in a criminal case, including questions about what letters Respondent received, when those

1 letters were read, and how he conducted his law firm. Thus, the legal need to invoke the Fifth
2 Amendment will not require there to have actually been any criminal conduct. This is
3 especially true in a case like the present one, where wrongdoing is less of a hard factual issue
4 and more about interpreting the reasonableness of and thought process behind Respondent's
5 actions.

6 As Respondent's counsel has already extensively demonstrated to the OCTC in over a
7 hundred exhibits, Respondent acted in good faith and has already provided an enormous
8 amount of documentation to support his good faith belief, including dozens of "out-of-policy"
9 cases given serious consideration by DDAs and multiple "out-of-policy" cases resulting in DA-
10 initiated resentencing. Nonetheless, no reasonably competent defense attorney would let
11 Respondent subject himself to cross-examination while a law enforcement investigation is
12 underway, especially given that the cross-examiner is working closely with the law
13 enforcement agency.

14 Extensive case law exists noting the prudence of abating an OCTC Court proceeding
15 during the pendency of a criminal case. The undersigned has not yet found a citation for a case
16 where abatement occurred during a law enforcement investigation. However, the undersigned
17 has also not found a case where the law enforcement investigators were closely cooperating
18 and working with the OCTC on the exact same subject matter that is the focus of the Bar
19 disciplinary charges.

20 The "close cooperation" between OCTC and the Attorney General's Office has also
21 created a disturbing situation where the OCTC has not conducted its own independent
22 interviews of witnesses, which would then be subject to discovery, but have access to the
23 Attorney General's interviews of those witnesses, thus effectively depriving the Respondent of
24 access to those interviews as well as the ability to defend against those witnesses in this and the
25 many other serial prosecution which are being planned. Abatement is the only way to protect
26 the Respondent's constitutional rights and allow a fair proceeding.

27 Given the lack of criminal wrongdoing, and the extensive documentation to support this
28 fact, it is Respondent's belief that no criminal charge will even be brought. However, until

1 such information is confirmed, this matter must be abated so that Respondent can meaningfully
2 defend himself in the present case.

3 **3. The OCTC has refused to provide discovery to Respondent, which there is a**
4 **good faith basis for believing contains exonerating evidence**

5 Because the OCTC is serially prosecuting Respondent and has not formally charged
6 him on the other matters listed above, the Bar has taken the position that they do not need to
7 disclose the otherwise mandatory discovery that would be associated with the other cases.
8 Moreover, the OCTC has also refused to turn over files related to investigations that did not
9 result in a TR letter. This latter category is the most likely to contain exculpatory information.

10 This material is highly relevant because this Court will be tasked with determining the
11 Respondent's conduct in light of limited evidence, and how Respondent acted on other similar
12 cases will be circumstantial evidence of how he acted on the present four cases.

13 While the OCTC has sought to portray Respondent as simply recommending resentencing
14 applications wholeheartedly, a careful review of Respondent's actions will show a far more
15 nuanced picture. Specifically, Respondent strongly recommended resentencing applications
16 shortly after the election of George Gascón and his announcement of his Special Directives in
17 December 2020, recommended the resentencing applications with less confidence and fervor in
18 late 2021 and early 2022, and stopped recommending DA-initiated resentencing by 2023,
19 except in rare circumstances with strongly worded disclaimers.

20 One example of this gradual change is a February 2022 contemporaneously made
21 electronic note, already in the possession of the OCTC, describing a conversation between a
22 firm employee and a complainant on the present case, Laura Lish: "I went over 2942 with her
23 and she wants to know why Aaron didn't believe in it." This note documents a conversation
24 that occurred before complainant hired Respondent for a resentencing application for Dustin
25 Lish; Respondent had expressed his lack of belief that such an option would be effective.

26 Respondent has a reasonable basis to believe that there are dozens of similar instances
27 in the OCTC's files that confirm this more nuanced approach to recommending DA-initiated
28 resentencing (AB 2942) and undermine the OCTC's argument regarding moral turpitude.

1 Respondent is entitled to other discovery, similar to that cited above, which likely contains
2 other records confirming Respondent's late 2021 and 2022 expressed attitude towards AB
3 2942.

4 As with the matters listed above (serial prosecution and law enforcement investigation),
5 this case should be abated until the discovery is provided and the OCTC makes a determination
6 as to whether or not to file formal charges. At that point, consolidation of all of the filed
7 matters should be considered.

8 Contemporaneously with the filing of this Motion to Abate, Respondent is filing a
9 Motion to Issue Subpoenas which would allow him to access the records of the Los Angeles
10 District Attorney's Office, the Orange County District Attorney's Office and the Department of
11 Corrections records regarding similar petitions that other attorneys have also filed in
12 connection with the filing of similar applications received under AB 2942. The records of all
13 applications received under AB 2942 would materially assist Mr. Spolin in his defense of
14 OCTC's disciplinary charges that accuse him of misleading representations which encouraged
15 a "false" impression that Mr. Spolin would be able to achieve a meaningful benefit to his
16 clients from an AB 2942 application. In order to defend such allegations, Respondent requires
17 access to all AB 2942 applications and their responses to prove the reasonableness of his
18 advice to his clients when dealing with a new law and its inherent unclarity and that, under a
19 new law, he was making a good faith argument for an interpretation of the law. The extensive
20 discovery which is being sought is another reason for the court to consider abatement.

21 On October 28, 2024, counsel for the Respondent received an additional response from
22 OCDA that it has been able to identify about 400 felony cases that reference resentencing.
23 OCDA is in the process of examining these case files to learn whether each case contains
24 pleadings responsive to the public records request. OCDA intends to produce documents on a
25 rolling basis until they have completed this process for reasonably identifiable case files. The
26 first tranche of records is not expected until on or about November 15, 2024 (Exhibit 20).

1 **4. The OCTC is now opposing abatement as a back-door method of achieving a**
2 **Business & Professions Code (“B&P”) 6007 involuntary enrollment without**
3 **having to meet the high burden for B&P section 6007**

4 In prior discussion about avoiding serial prosecution, the OCTC has expressed a
5 position that they oppose abatement because abatement would delay the proceeding and,
6 therefore, interfere with the Bar’s purpose of protecting the public, given the accusations.
7 However, not only would such an argument be unsuccessful in a B&P 6007 motion, but the
8 primary abatement factors listed in the rules do not involve a consideration of this element, as
9 noted below. If the OCTC believed that Respondent posed a public danger, they could have
10 brought involuntary enrollment proceedings any time in the past two years. Indeed, the OCTC
11 can still attempt to do so now, and such a proceeding would allow Respondent the opportunity
12 to respond in a manner consistent with due process.

13 As the State Bar Court Review Department noted in *Matter of Respondent L*, No. 90-O-
14 12262, 1993 WL 229563, at *5 (Cal. Bar Ct. June 24, 1993), the factors relevant for abatement
15 and the factors relevant for B&P section 6007 involuntary enrollment are different and must be
16 assessed separately. Involuntary enrollment focuses on a danger that an attorney poses to the
17 public. Abatement, on the other hand, focuses on judicial efficiency and procedural fairness to
18 parties involved. (*See*, State Bar Rule of Procedure 5.50).

19 Abatement factors are described in State Bar Rules of Procedure 5.50. While the Court
20 is permitted to consider “any relevant factor” (Rule 5.50(B)), protection of the public is not one
21 of the factors highlighted for heightened consideration.

22 Protection of the public is sometimes mentioned in decisions denying continuances or
23 abatement, but these decisions are generally focused on how unnecessary delays, not warranted
24 ones, implicate public safety issues. *See, Palomo v. State Bar* (1984) 36 Cal.3d 785, 792
25 (noting in a discussion of a continuance denial: “A strong rule against *unnecessary* delay is
26 essential to ensure that the public will be protected by the prompt discipline of erring
27 practitioners.”) (emphasis added). *See, also, In the Matter of Seltzer*, No. 11-O-12820, 2013
28 WL 5826033 (Cal. Bar Ct. Apr. 16, 2013) (citing “State Bar’s interest in protecting the public,
safeguarding the integrity of the legal system” as a reason why abatement should not be

1 granted when the attorney's "justifications for abating the discipline trial [were] not
2 persuasive" and were sought one month before trial).

3 The factors listed for primary consideration in rule 5.50 include whether the issues in
4 multiple proceedings are "substantially the same," (Rule 5.50(B)(1)) how the proceedings
5 would be "delayed" or "expedited," (Rule 5.50 (B)(2)-(3)), whether the evidence to be found in
6 the other proceeding would aid the present proceeding, (Rule 5.50 (B)(4)), the unavailability of
7 evidence ((B)(5)-(6)), the prejudice to a party or witness (Rule 5.50 (B)(7)), or the delay of a
8 client security fund claim. (Rule 5.50 (B)(8)). Concerns regarding the availability of witnesses
9 can be addressed with a motion for perpetuation of evidence. (Rule 5.50 (A))

10 While abatement would obviously delay the present proceeding, nearly all other factors
11 weigh in favor of abatement. As discussed above, Respondent is significantly prejudiced by a
12 serial prosecution intended to involve multiple trials on substantially the same issues, the
13 existence of a law enforcement investigation in which the OCTC is an active participant, and
14 the failure of the OCTC to disclose evidence that would allow Respondent to present a full
15 picture to this Court. (*See* Rule 5.50 (B)(7))

16 Besides prejudice to Respondent, other factors weigh heavily in favor of abatement.
17 There are "substantially the same" operative facts in the forthcoming OCTC filings. The same
18 can be said for law enforcement and OCTC investigations, as well as the discovery files related
19 to other cases involving resentencing requests. (*See* Rule 5.50(B)(1)).

20 This significant overlap of facts means that, once the OCTC consolidates its filings,
21 once the law enforcement investigation is concluded, and once the OCTC discloses the relevant
22 discovery, the present case will be "expedited or aided" in reaching not only a speedy
23 conclusion but an accurate one. (*See* Rule 5.50(B)(4))

24 Abatement is a well-accepted and appropriate option when the issues at stake are being
25 addressed or adjudicated elsewhere. *See, Matter of Shafer*, No. 12-O-18163, 2018 WL
26 2459570, at *9 (Cal. Bar Ct. Feb. 15, 2018) (abatement to avoid serial prosecution); *In Matter*
27 *of Gustin*, No. 11-O-17015, 2015 WL 9673294 (Cal. Bar Ct. Dec. 16, 2015) (abatement
28 granted in disciplinary case while awaiting outcome of another disciplinary case); *Matter of*

1 *Hsiaosheng Li*, No. 15-O-13353, 2021 WL 165150 (Cal. Bar Ct. Jan. 12, 2021) (three-year
2 abatement granted because of ongoing civil matter, despite nine years of misconduct and
3 alleged acts of moral turpitude); *Matter of Rubin*, No. 17-O-01810, 2021 WL 841047, at *1
4 (Cal. Bar Ct. Mar. 4, 2021), as modified (Apr. 16, 2021) (abatement to avoid serial
5 prosecution); *Matter of DeAguilera*, No. 13-O-16057, 2021 WL 5344567, at *2 (Cal. Bar Ct.
6 Nov. 10, 2021) (abatement due to civil proceeding related to underlying conduct); *Matter of*
7 *Thomas*, No. 15-O-14870, 2022 WL 18910651, at *1 (Cal. Bar Ct. Aug. 26, 2022) (abatement
8 due to related civil proceeding).

9 Denial of abatement motions typically involves requests for abatement shortly before
10 trial and abatements sought as a tactical tool. *In the Matter of Seltzer*, No. 11-O-12820, 2013
11 WL 5826033 at *3 (Cal. Bar Ct. Apr. 16, 2013) (attorney “delayed filing her abatement motion
12 until one month before... trial” and civil matter actually was not relevant to disciplinary
13 proceeding, as civil matter related to “breach of contract and fraud” whereas disciplinary
14 matter related to “whether Seltzer performed with competence”); *Matter of Roshan*, No. 17-O-
15 01202, 2020 WL 13973430 (Cal. Bar Ct. Aug. 27, 2020) (abatement requested two weeks
16 before trial); *Matter of Look*, No. 11-O-17894, 2014 WL 1159792 (Cal. Bar Ct. Mar. 7, 2014)
17 (abatement denied due to irrelevance of restraining order cited as basis for abatement); *In the*
18 *Matter of Eastman*, No. 23-O-30029 (Cal. Bar Ct. Aug. 25, 2023) (abatement denied after
19 having been sought mid-trial and after attorney had already testified for over eight hours).

20 In this matter, the Respondent is moving for the abatement promptly after receiving the
21 new NDC on October 10, 2024, and OCTC serial prosecution went from a theoretical
22 possibility to reality.

23 After two years of investigation, the OCTC now abruptly seeks to bring Respondent to
24 trial while (1) threatening to bring subsequent cases to trial if the present trial is lost, (2) keep
25 Respondent with his hands tied behind his back by the existence of a law enforcement
26 investigation in which they are participating, and (3) refusing to provide discovery that would
27 help Respondent in his defense. From the perspective of the OCTC, such timing would indeed
28 prove advantageous. In effect, by preventing Respondent from effectively defending himself,

1 the OCTC seeks to oppose abatement as a means of achieving involuntary enrollment under
2 B&P 6007. This Court should grant the requested abatement and force the OCTC to prove the
3 elements of B&P 6007 if they believe such an action is appropriate.

4 **III. CONCLUSION**

5 In order for Respondent to be able to effectively defend himself, to avoid serial
6 prosecution on substantially the same issue and waste judicial resources, Respondent requests
7 for this Court to grant an abatement.

8 Respectfully submitted,

9 ERIN JOYCE LAW, PC

10
11 Date: October 29, 2024

By: 

ERIN JOYCE, ESQ.
Attorneys for Respondent
AARON SPOLIN

1 **PROOF OF SERVICE**

2 STATE OF CALIFORNIA, COUNTY OF LOS ANGELES

3 I am employed in the County of Los Angeles, State of California. I am over the age of 18
4 and not a party to the within action. My business address is 117 East Colorado Boulevard, Suite
5 465, Pasadena, California 91105.

6 On October 31, 2024, I served the foregoing document described as
7 **(1) RESPONDENT AARON SPOLIN'S MOTION TO ABATE PROCEEDINGS**
8 **PURSUANT TO RULE OF PROCEDURE OF THE STATE BAR OF CALIFORNIA**
9 **5.50(A); (2) MEMORANDUM OF POINTS AND AUTHORITIES IN SUPPORT**
10 **THEREOF; (3) DECLARATION OF ERIN JOYCE, ESQ. IN SUPPORT THEREOF**
11 **[FILED CONCURRENTLY HERewith]** on the interested parties in this action by providing
12 a true and correct copy as follows:

11 Gail Mullikin, Trial Counsel
12 Cindy Chan, Trial Counsel
13 Office of Chief Trial Counsel
14 The State Bar of California
15 180 Howard Street
16 San Francisco, CA 94105
17 gail.mullikin@calbar.ca.gov
18 cindy.chan@calbar.ca.gov

The State Bar Court
Hon. Dennis G. Saab
Courtroom C
Hearing Department – Los Angeles
845 S. Figueroa Street, 3rd Floor
Los Angeles, CA 90017
CtroomC@statebarcourt.ca.gov

19 [] BY HAND DELIVERY/PERSONAL SERVICE (C.C.P. §1011 *et seq.*): I caused said
20 document to be personally delivered [by a courier] to each addressee.

21 [] BY FIRST-CLASS MAIL (C.C.P. §1013(a) *et seq.*): I placed each such sealed envelope,
22 with postage thereon fully prepaid for first-class mail, in the United States mail *or* for collection
23 and mailing at the Law Office of Erin Joyce, following ordinary business practices. I am readily
24 familiar with the practice of the Law Office of Erin Joyce for collection and processing of mail,
25 said practice being that in the ordinary course of business, mail is deposited in the United States
26 Postal Service on the same day as it is placed for collection.

27 [X] BY ELECTRONIC TRANSMISSION: I caused a copy of the document to be sent from e-
28 mail address debbie@erinjoycelaw.com to the above-named parties at the e-mail address and/or
fax number given. I did not receive, within a reasonable time after the transmission, an electronic
message or other indication that the transmission was unsuccessful.

I declare under penalty of perjury under the laws of the State of California that the above
is true and correct. Executed on October 31, 2024, at Pasadena, California.

27 
28 _____
Debra L. Vien

**(1) RESPONDENT AARON SPOLIN'S MOTION TO ABATE PROCEEDINGS; (2) MEMORANDUM OF
POINTS AND AUTHORITIES; AND (3) DECLARATION OF ERIN JOYCE, ESQ.
IN SUPPORT THEREOF [FILED CONCURRENTLY]**



FILED

Jan 27 2026

THE BOARD of DISCIPLINARY APPEALS
Appointed by the Supreme Court of Texas

Erin Joyce, Esq., SBN 149946
ERIN JOYCE LAW, PC
117 E. Colorado Boulevard, Suite 465
Pasadena, California 91105
Telephone: (626) 314-9050
Email: erin@erinjoycelaw.com

Attorney for Respondent
AARON SPOLIN

FILED
10/31/2024
STATE BAR COURT
CLERK'S OFFICE
LOS ANGELES

STATE BAR COURT OF CALIFORNIA
HEARING DEPARTMENT - LOS ANGELES

In the Matter of

AARON SPOLIN,

State Bar No. 310379.

Case No.: SBC-24-O-30656-DGS

*(OCTC Case Nos. 22-O-14419, 23-O-13011,
23-O-19035, 23-O-20688)*

**DECLARATION OF ERIN JOYCE, ESQ.
IN SUPPORT OF RESPONDENT AARON
SPOLIN'S MOTION TO ABATE
PROCEEDINGS PURSUANT TO RULE OF
PROCEDURE OF THE STATE BAR OF
CALIFORNIA 5.50(A)**

1. I am an attorney in good standing with the State Bar of California and licensed to practice before all state and federal courts in the State of California. I am duly licensed to practice before all courts in the State of California. The facts stated in this declaration are of my own personal knowledge. If called to testify as to the matters stated in this declaration, I would do so competently.

2. I represent Respondent Aaron Spolin in these disciplinary proceedings. Attached hereto as **Exhibit 1** is a true and correct excerpt of District Attorney Gascón's Special Directive 20-14 on Resentencing, which was published in an attempt to clarify the

**DECLARATION OF ERIN JOYCE, ESQ. IN SUPPORT OF RESPONDENT AARON SPOLIN'S
MOTION TO ABATE PROCEEDINGS PURSUANT TO RULE OF PROCEDURE OF THE STATE BAR
OF CALIFORNIA 5.50(A)**

1 amendment to the Penal Code but created more doubt as to the breadth of its applicability and
2 use.

3 3. Attached hereto as **Exhibit 2** is a true and correct excerpt of District Attorney
4 Gascón's Special Directive 22-05 on "Resentencing in Postconviction cases; Prosecution
5 Initiated Resentencing Requests" that attempted to clarify the applicability and use of the
6 amendments to the Penal Code and which Respondent relied upon to advise his clients on the
7 possibility of resentencing via the AB 2942 route.

8 4. Attached hereto as **Exhibit 3** is a true and correct copy of an October 26, 2022,
9 letter Respondent received from George Gascón's office complimenting Respondents "strong
10 packet of mitigation" and their interest in discussing the resentencing of Respondents clients.

11 5. Attached hereto as **Exhibit 4** is a true and correct excerpt of the Scheduling
12 Order entered by Judge Saab on September 12, 2024.

13 6. Attached hereto as **Exhibit 5** is a true and correct excerpt of the September 3,
14 2024, letter from the OCTC on Case 23-O-23496.

15 7. Attached hereto as **Exhibit 6** is a true and correct excerpt of the Notice of
16 Disciplinary Charges dated October 10, 2024.

17 8. Attached hereto as **Exhibit 7**, is a true and correct excerpt of the Respondent's
18 Request for a Prefiling Settlement Conference which is scheduled for November 6, 2024.

19 9. Attached hereto as **Exhibits 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18 and 22** are true
20 and correct excerpts of the TR letters dated December 1, 2023, December 27, 2023, April 23,
21 2024, June 18, 2024, July 12, 2024, July 24, 2024, September 3, 2024, September 16, 2024,
22 September 17, 2024, October 1, 2024, and October 4, 2024, respectively. Respondent has
23 received eleven (11) additional TR letters on other cases besides the four listed in this matter.
24 Every single case involves the same issue: alleged failure to disclose resentencing policy
25 information from Los Angeles or Orange Counties in 2020, 2021 or 2022, as well as complaints
26 alleging impermissible advertising. Thus, the primary issues on all cases disclosed by the OCTC
27 involve the same set of operative facts and will require the same or similar judicial analysis
28

**DECLARATION OF ERIN JOYCE, ESQ. IN SUPPORT OF RESPONDENT AARON SPOLIN'S
MOTION TO ABATE PROCEEDINGS PURSUANT TO RULE OF PROCEDURE OF THE STATE BAR
OF CALIFORNIA 5.50(A)**

1 of the reasonableness of Respondent's actions. I have requested that the OCTC provide the
2 Respondent with all of the other complaints pending the issuance of a TR, but my request has
3 been refused.

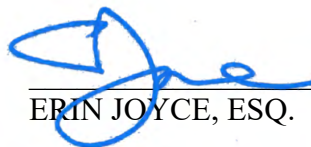
4 10. Attached hereto as **Exhibit 19** is a true and correct excerpt of the *Los Angeles*
5 *Times* article dated April 21, 2023.

6 11. Attached hereto as **Exhibit 20** is a true and correct copy of the October 28,
7 2024 additional response from OCDA that it has been able to identify about 400 felony cases
8 that reference resentencing. OCDA is in the process of examining these case files to learn
9 whether each case contains pleadings responsive to the public records request. OCDA intends
10 to produce documents on a rolling basis until they have completed this process for reasonably
11 identifiable case files. The first tranche of records is not expected until on or about November
12 15, 2024.

13 12. Attached hereto as **Exhibit 21** is a true and correct copy of the October 28,
14 2024 email from Gail Mulliken of the OCTC requesting that Case Nos. 23-O-15672; 23-O-
15 16130; and 24-O-14431 be made a part of the November 6, 2024 PSC.

16 I declare under penalty of perjury under the laws of the State of California that the
17 foregoing is true and correct.

18 Dated this 29th day of October 2024.


19
20 
21 ERIN JOYCE, ESQ.

22
23
24
25
26
27
28
**DECLARATION OF ERIN JOYCE, ESQ. IN SUPPORT OF RESPONDENT AARON SPOLIN'S
MOTION TO ABATE PROCEEDINGS PURSUANT TO RULE OF PROCEDURE OF THE STATE BAR
OF CALIFORNIA 5.50(A)**

EXHIBIT 1

SPECIAL DIRECTIVE 20-14

TO: ALL DEPUTY DISTRICT ATTORNEYS

FROM: GEORGE GASCÓN 
District Attorney

SUBJECT: RESENTENCING

DATE: DECEMBER 7, 2020

This Special Directive addresses issues of the Bureau of Prosecution Support Operations in Chapter 1.07.03 and Probation and Sentencing Hearings in Chapter 13 and Postconviction Proceedings in Chapter 17 of the Legal Policies Manual. Effective **December 8, 2020**, the policies outlined below supersede the relevant sections of Chapter 13 and Chapter 17 of the Legal Policies Manual.

INTRODUCTION

Today, California prisons are filled with human beings¹ charged, convicted and sentenced under prior District Attorneys' policies. Effective today, District Attorney George Gascón has adopted new charging and sentencing policies.

Justice demands that the thousands of people currently serving prison terms imposed in Los Angeles County under earlier, outdated policies, are also entitled to the benefit of these new policies. Many of these people have been incarcerated for decades or are serving a "[virtual life sentence](#)" designed to imprison them for life. The vast majority of incarcerated people are members of groups long disadvantaged under earlier systems of justice: Black people, people of color, young people, people who suffer from mental illness, and people who are poor. While resentencing alone cannot correct all inequities inherent in our system of justice, it should at least be consistent with policies designed to remedy those inequities.

The new Resentencing Policy is effective immediately and shall apply to all offices, units and attorneys in the Los Angeles County District Attorney's Office (hereinafter "Office"). While particular attention will be paid to certain people as discussed herein, every aspect of existing sentencing or resentencing policy will be subject to examination. The intent of this Resentencing Policy is that it will evolve with time to ensure that it reflects the values of the District Attorney, and by extension, the people of Los Angeles County.


¹ We will seek to avoid using dehumanizing language such as "inmate," "prisoner," "criminal," or "offender" when referencing incarcerated people.

8. The Office's position is that, consistent with *People v. Medrano* (2019) 42 Cal. App. 5th 1001, 1008, rev. granted, that a person who was convicted of attempted murder under the natural and probable consequences doctrine is eligible for resentencing under section 1170.95. Among other reasons, this avoids the great disparity that arises when one who was convicted of murder under the now abolished natural and probable consequences doctrine is able to be resentenced but one who was convicted of attempted murder is not.
9. If the client has previously won relief under *People v. Chiu* (2014) 59 Cal. 4th 155, the Office will not attempt to argue that the petitioner is ineligible for resentencing, or could be convicted as a direct aider and abettor.
10. If the jury was never instructed on direct aiding and abetting, implied malice murder, or any other intent-to-kill theory, or if the trial prosecutor never argued one of these theories, this Office will not argue that the petitioner can now be convicted under one of these theories during 1170.95 proceedings. Theories must remain consistent.
11. Relatedly, if a jury was not even instructed on implied malice murder or some other theory of homicide not covered by section 1170.95, the prosecution cannot now meet our burden of proof beyond a reasonable doubt that the petitioner is ineligible for resentencing.
12. If the petitioner was convicted of murder and the petitioner's jury was instructed on the natural and probable consequences theory doctrine and/or a first or second degree felony murder instruction at trial, then it may have been possible that petitioner was convicted under one of these theories and this Office will not seek to rebut petitioner's prima facie showing. The case must proceed to the evidentiary hearing.
13. Because jury deliberations are secret, in the absence of special findings, it is not possible to determine the actual basis of a jury verdict when multiple theories were before the jury. Therefore, at an evidentiary hearing, if the petitioner was convicted of murder and the petitioner's jury was instructed with a felony murder or a natural and probable consequences doctrine instruction along with other theories, there is a reasonable doubt that the jury convicted petitioner under the old felony murder rule or the now abolished doctrine of natural and probable consequences. Because the statute allows for the introduction of "new or additional evidence," the deputy district attorney may introduce evidence to show, for example, that the petitioner was the actual killer, or acted as a major participant with reckless indifference to human life, or was convicted under a still-valid theory on which the jury was instructed. See below for this Office's position on evidence that we will and will not seek to admit.
14. At an evidentiary hearing pursuant to section 1170.95 (d)(3), the prosecution must prove beyond a reasonable doubt that the petitioner is ineligible for resentencing. A deputy district attorney may not argue that the standard for the court to determine whether a petitioner is ineligible for resentencing is whether there is "sufficient evidence" to uphold the conviction. This is a standard of proof for an appellate court affirming a conviction. It is not the standard of proof for a trial court in a section 1170.95 proceeding. (*People v. Lopez* (2020) 56 Cal.App. 5th 936, 949-950.)

EXHIBIT 2

SPECIAL DIRECTIVE 22-05

TO: ALL DEPUTY DISTRICT ATTORNEYS

FROM: GEORGE GASCÓN 
District Attorney

SUBJECT: RESENTENCING IN POSTCONVICTION CASES; PROSECUTION-INITIATED RESENTENCING REQUESTS.

DATE: JULY 25, 2022

This Special Directive supersedes portions of the Resentencing Policy set forth in Special Directive (SD) 20-14 relating to postconviction resentencing procedures and protocols.

Introduction

Through recent legislation, the California Legislature has refined the authority of prosecutors and the California Department of Corrections and Rehabilitation (CDCR) by allowing each to initiate resentencing proceedings. The Legislature further highlighted in express statutory findings the heavy fiscal burden and social costs to Californians of inordinately long sentences where shorter prison terms would achieve accountability, punishment, and public safety goals. (See, Stats. 2021, c. 719, § 1, (A.B. 1540).) In Assembly Bill 1540, effective January 1, 2022, the Legislature made the following findings with respect to incarceration and resentencing:

- (a) Starting in the mid-1970s, rates of incarceration in California began to rise rapidly in an unprecedented manner.
- (b) There are currently approximately 35,000 people serving life sentences in California state prisons, representing 38 percent of the prison population.
- (c) According to the California Department of Corrections and Rehabilitation, as of June 2019, approximately 24 percent of the California prison population was over 50 years of age.
- (d) According to the Committee on Revision of the Penal Code's 2020 Annual Report:
 - (1) It costs taxpayers approximately \$83,000 per year to keep someone in state prison.
 - (2) Researchers have found that lengthy sentences and high rates of incarceration have diminishing returns in reducing crime rates.
 - (3) There is almost no evidence that long sentences deter the crimes they are intended to deter.
 - (4) Research shows that criminal involvement diminishes dramatically after an individual reaches 40 years of age and even more after 50 years of age.
 - (5) Crime rates in California have decreased steadily since the 1990s. This drop has continued alongside reductions in the California prison population and alongside the enactment of numerous criminal justice reforms.

EXHIBIT 3



LOS ANGELES COUNTY DISTRICT ATTORNEY'S OFFICE
BUREAU OF BRANCH & AREA OPERATIONS, REGION 2
COMPTON BRANCH OFFICE

GEORGE GASCÓN • District Attorney
SHARON L. WOO • Chief Deputy District Attorney
JAMES W. GARRISON • Assistant District Attorney

RONALD GELTZ • Director
Region II

October 26, 2022

Aaron Spolin
Jeremy Cutcher
11500 W. Olympic Blvd Ste. 400
Los Angeles, CA 90064

Re: People v [REDACTED], [REDACTED]

Counsel,

Thank you for your recent resentencing request in the case of People v [REDACTED], [REDACTED]. Your request was forwarded to me because I am the Assistant Head Deputy for the Community Violence Reduction Division of the Los Angeles County District Attorney's Office. May Chung is my immediate supervisor and I am responsible for supervising the gang prosecutions in Compton, Norwalk, Long Beach, Airport, Inglewood, Pomona, Torrance, Van Nuys, and San Fernando. In the future, please forward your post-conviction resentencing requests to me if it involves a case coming from the aforementioned jurisdictions.

As usual, you have provided a strong packet of mitigation on the behalf of your client. I am happy to meet with you to discuss resentencing in this case. Please suggest a date and time that we could meet to discuss in person or via Zoom/Teams. Please see if you can get the C-file for Mr. [REDACTED] so that I can review his disciplinary record while in prison. It certainly looks like he has done a good job while in prison, but I would need to see his C-file in order to make a recommendation in this matter. Let me know your availability and I look forward to hearing from you soon.

Yours truly,

George Gascon
District Attorney

By [REDACTED]
[REDACTED]

200 W COMPTON BOULEVARD RM 700

COMPTON CA 90220

(310) 603-7483

Fax: (310) 603-0493

EXHIBIT 4

<p>STATE BAR COURT OF CALIFORNIA</p> <p>HEARING DEPARTMENT</p> <p>845 S. Figueroa St., 3rd Fl., Los Angeles, CA 90017</p>	<p>FOR CLERK'S USE ONLY:</p> <p>FILED</p> <p>09/30/2024 <i>ms</i></p> <p>STATE BAR COURT CLERK'S OFFICE LOS ANGELES</p>
<p>In the Matter of:</p> <p>AARON SPOLIN,</p> <p>State Bar No. 310379.</p>	<p>Case No. SBC-24-O-30656-DGS</p> <p>ORDER SETTING TRIAL AND PRETRIAL DATES</p>

This Order should be read carefully by all Parties and their Counsel. It may differ from prior Trial Setting Orders.

A remote status conference was held by Zoom Video Conference before Judge Dennis G. Saab on September 30, 2024. Gail Mullikin and Cindy Chan appeared on behalf of the Office of Chief Trial Counsel (OCTC), and Respondent appeared and was represented by Erin Joyce and Nina Marino. The court directs the parties to review the Rules of Procedure and Rules of Practice, General Notices, Orders, and court forms available on the website, <http://www.statebarcourt.ca.gov>, and issues the following orders:

1. **Settlement Conference.** The parties are to arrange a conference before **Judge Phong Wang** by **November 8, 2024**, [arranged within one week of this Order by emailing the Judge's Court Clerks at ctroom2@statebarcourt.ca.gov]. **Counsel and parties appearing at the conference shall have full authority to settle the matter at the settlement conference, or have access to a person with full authority to settle the matter at that settlement conference.** (See Rules Proc. of State Bar, rule 5.52.1.) **Five days before the conference**, each party must lodge with the court an original and one copy of a settlement conference statement in letter form, and is encouraged to serve the other party to facilitate settlement discussions. (See Rules Proc. of State Bar, rule 5.52.5.) The settlement conference statement must contain:
 - a. the parties' position on factual and legal issues;
 - b. summary of the aggravating and mitigating factors, if applicable;
 - c. the parties' offers and counteroffers;
 - d. the parties' position on monetary sanctions; and
 - e. all other information required by rule 1207 of the Rules of Practice.
2. **Pretrial Conference and Other Pretrial Matters.** A pretrial conference will be held remotely by Zoom Video Conference on **December 9, 2024, at 9:45 a.m.** A separate correspondence will be sent to the parties by email with instructions regarding remote appearances at this pretrial conference.

EXHIBIT 5



The State Bar
of California

OFFICE OF CHIEF TRIAL COUNSEL

180 Howard Street, San Francisco, CA 94105

415-538-2217

Gail.mullikin@calbar.ca.gov

September 03, 2024

PERSONAL AND CONFIDENTIAL

Sent via email only to: erin@erinjoycelaw.com

Erin McKeown Joyce
117 E Colorado Blvd
Pasadena, CA 91105

Re: Respondent: Aaron Spolin
 Case Number: 23-O-23496
 Complainant: Bernardo Martinez and Tina Marie Martinez,

Dear Erin McKeown Joyce:

This letter is sent to you based upon information that you currently represent the respondent in the above-noted matter. If this is incorrect, please advise me immediately in writing so that I may redirect this letter to the respondent personally.

As you should know, the State Bar of California has conducted an investigation concerning allegations of professional misconduct made against your client. We have completed the investigation of the above-referenced matter and we anticipate moving the case forward for prosecution. In evaluating the allegations of misconduct and recommending a level of discipline, our office takes into consideration the relevant Standards for Attorney Sanctions for Professional Misconduct (Standards), including both aggravating and mitigating circumstances as reflected in Standards 1.5 and 1.6 respectively, and case law. Each party must prove any applicable aggravating or mitigating circumstances by clear and convincing evidence. **If your client believes mitigating circumstances apply in the matter, please submit any supporting mitigation evidence for consideration as soon as possible.**

You can find out more information about the relevant procedural rules that govern disciplinary proceedings in the State Bar Court, including the Rules of Procedure of the State Bar of California, which contain the Standards, at the State Bar Court website, <http://www.statebarcourt.ca.gov/Procedures-Programs-and-Rules>.

EXHIBIT 6



**The State Bar
of California**

OFFICE OF CHIEF TRIAL COUNSEL

180 Howard Street, San Francisco, CA 94105

415-538-2217

gail.mullikin@calbar.ca.gov

October 10, 2024

SENT VIA EMAIL

Erin McKeown Joyce (erin@erinjoycelaw.com)

117 E Colorado Blvd Ste 465

Pasadena, CA 91105

Richard D. Kaplan, Esq. (kaplan@kaplanmarino.com)

Nina Marino, Esq. (marino@kaplanmarino.com)

1546 N. Fairfax Avenue

Los Angeles, CA 90046

Re: **NOTICE OF INTENT TO FILE NOTICE OF DISCIPLINARY CHARGES**

Respondent: Aaron Spolin

Case Number: 23-O-23496

Complainant: Bernardo Martinez/Tina Maria Martinez

Dear Counsel:

This letter is sent to you based upon information that you currently represent the respondent in the above-noted matter. If this is incorrect, please advise me immediately in writing so that I may redirect this letter to the respondent personally.

As you know, the State Bar of California has conducted an investigation concerning allegations of professional misconduct made against the respondent. You have had an opportunity to respond to the allegations. Based on a review of the investigation, unless a pre-filing settlement is reached, a Notice of Disciplinary Charges ("NDC") will be filed. The NDC will allege acts of misconduct including, but not limited to, violations of:

- Rules of Professional Conduct, rule 1.4(b) [Failure to Communicate in Order to Permit Client to Make Informed Decisions];
- Rules of Professional Conduct, rule 2.1 [Failure to Render Candid Advice];

EXHIBIT 7

**STATE BAR COURT
HEARING DEPARTMENT**

REQUEST FOR CONFIDENTIAL PREFILING SETTLEMENT CONFERENCE

CASE NUMBERS: 23-O-23496

List all numbers; attach additional sheets as needed

Requesting party: Erin Joyce, Esq. | Erin Joyce Law, PC

☐ Office of Chief Trial Counsel ☐ Attorney ☐ Counsel for Attorney ☒ Both Parties

Requesting party MUST fill in the following information:

☒ Both parties have mutually agreed to the available dates listed below

Deputy Trial Counsel: Gail Mullikin

Email Address: gail.mullikin@calbar.ca.gov

State Bar No.: 196783

Telephone No.: 415-538-2217

Attorney: Aaron Spolin

Email Address: aspolin@gmail.com

State Bar No.: 310379

Telephone No.: 310-424-5816

Counsel for Attorney
(if applicable): Erin Joyce

Email Address: erin@erinjoycelaw.com

State Bar No.: 149946

Telephone No.: 626-314-9050

Joint availability dates of parties: [Please provide the Court with a minimum of two dates including available times]

<u>Date</u>	<u>Time</u>	<u>Date</u>	<u>Time</u>
[First Avail. Date]	[First Avail. Time]	[Second Avail. Date]	[Second Avail. Time]
<u>November 6, 2024</u>	<u>9:30 a.m.</u>		
<u>(Same date as Voluntary Settlement Conference in Case No. SBC-24-O-30656.)</u>			

Please return this request form by personal delivery, facsimile, email, or mail:

State Bar Court
845 S. Figueroa St., 3rd Fl.
Los Angeles, CA 90017-2515
PSCRequests@statebarcourt.ca.gov

State Bar Court
180 Howard Street, 6th Fl.
San Francisco, CA 94105-1639
PSCRequests@statebarcourt.ca.gov

.....
(For State Bar Court Use Only)

PSC Judge assigned: _____ Requesting party notified of PSC date/time on: _____

Date Assigned: _____ By: _____

PSC date/time: _____ Court Clerk

EXHIBIT 8



The State Bar
of California

OFFICE OF CHIEF TRIAL COUNSEL

845 South Figueroa Street, Los Angeles, CA 90017

(213) 765-1629

Shari.Gordon@calbar.ca.gov

December 1, 2023

PERSONAL AND CONFIDENTIAL

Erin Joyce
117 E. Colorado Blvd., Ste. 465
Pasadena, CA 91105
Via Email: erin@erinjoycelaw.com

Richard Kaplan
1546 N. Fairfax Avenue
Los Angeles, CA 90046
Via Email: Kaplan@kaplanmarino.com

Re: Respondent: Aaron Spolin
 Case Number: 23-O-13011
 Complainant: Thomas Stringer

Dear Erin Joyce and Richard Kaplan:

This letter is sent to you based upon information that you are currently representing the respondent in the above-noted matter. If this is incorrect, please advise me within **five** days so that future communications may be directed to the respondent personally.

The State Bar received a complaint from Thomas Stringer alleging the following:

Thomas Stringer is incarcerated and serving 160 years to life as a result of being convicted of Kidnapping and Robbery, as well as gang and gun enhancements. Mr. Stringer's sister, Tiffany Abram, contacted respondent's firm on behalf of Mr. Stringer and retained respondent's firm, on June 23, 2021, to conduct a "case review." Ms. Abram paid respondent \$3000. The case review prepared by respondent's firm recommended to Mr. Stringer that resentencing pursuant to AB2942 was a viable option.

EXHIBIT 9



The State Bar
of California

OFFICE OF CHIEF TRIAL COUNSEL

845 South Figueroa Street, Los Angeles, CA 90017

(213) 765-1629

Shari.Gordon@calbar.ca.gov

December 27, 2023

PERSONAL AND CONFIDENTIAL

Erin Joyce
117 E. Colorado Blvd., Ste. 465
Pasadena, CA 91105
Via Email: erin@erinjoycelaw.com

Richard Kaplan
1546 N. Fairfax Avenue
Los Angeles, CA 90046
Via Email: Kaplan@kaplanmarino.com

Re: Respondent: Aaron Spolin
 Case Number: 23-O-10397
 Complainant: Joseph Hager

Dear Erin Joyce and Richard Kaplan:

This letter is sent to you based upon information that you are currently representing the respondent in the above-noted matter. If this is incorrect, please advise me within **five** days so that future communications may be directed to the respondent personally.

The State Bar received a complaint from Joseph Hager alleging the following:

Joseph Hager is incarcerated and serving 15 years to life as a result of being convicted of Attempted Murder, Shooting at an Occupied Vehicle, as well as enhancements for personally using and discharging a firearm causing great bodily injury during the commission of these offenses and committing the crimes in association with a criminal street gang. Further, Mr. Hager had previously served two prior prison terms. Ms. Hager retained respondent's firm, on December 19, 2021, to conduct a "case review" and his wife, Anna Acevedo, paid respondent \$3000.

EXHIBIT 10



The State Bar
of California

OFFICE OF CHIEF TRIAL COUNSEL

845 South Figueroa Street, Los Angeles, CA 90017

(213) 765-1629

Shari.Gordon@calbar.ca.gov

April 23, 2024

PERSONAL AND CONFIDENTIAL

Erin Joyce
117 E. Colorado Blvd., Ste. 465
Pasadena, CA 91105
Via Email: erin@erinjoycelaw.com

Richard Kaplan
1546 N. Fairfax Avenue
Los Angeles, CA 90046
Via Email: Kaplan@kaplanmarino.com

Re: Respondent: Aaron Spolin
Case Number: 23-O-20688
Complainant: Laura Lish

Dear Erin Joyce and Richard Kaplan:

This letter is sent to you based upon information that you are currently representing the respondent in the above-noted matter. If this is incorrect, please advise me within **five** days so that future communications may be directed to the respondent personally.

The State Bar received a complaint from Laura Lish alleging the following:

Dustin Lish ("Dustin") is serving a sentence of 15 years to life for second degree murder. He was convicted in Orange County. On December 13, 2021, Laura Lish ("Laura") hired respondent to conduct a case review and paid his firm \$3,000. Among other remedies, respondent recommended that Dustin pursue resentencing pursuant to AB2942. On February 18, 2022, Laura hired respondent to submit an AB2942 request to the Orange County District Attorney's Office ("OCDA"). Laura additionally hired respondent to file an application for commutation and a *Franklin* Hearing. Laura paid respondent an additional \$25,000 for these legal services.

EXHIBIT 11



The State Bar
of California

OFFICE OF CHIEF TRIAL COUNSEL

845 South Figueroa Street, Los Angeles, CA 90017

(213) 765-1088

Claudia.Villasenor@calbar.ca.gov

June 18, 2024

PERSONAL AND CONFIDENTIAL

Erin Joyce

117 E. Colorado Blvd., Suite 465

Pasadena, CA 91105

Via Email: erin@erinjoycelaw.com

Richard Kaplan

1546 N. Fairfax Avenue

Los Angeles, CA 90046

Via Email: kaplan@kaplanmarino.com

Re: Respondent: Aaron Spolin
 Case Number: 23-O-18229
 Complainant: Maria Jimenez and Jose Jimenez

Dear Erin Joyce and Richard Kaplan:

This letter is sent to you based upon information that you are currently representing the respondent in the above-noted matter. If this is incorrect, please advise me within **five** days so that future communications may be directed to the respondent personally.

The State Bar received a complaint from Maria Jimenez and Jose Jimenez alleging the following:

Jose Jimenez ("Jose") is incarcerated and serving 20 years plus life, with the possibility of parole, as a result of being convicted of four counts of Attempted Murder, as well as enhancements for personally discharging a firearm during the commission of these offenses, and gang enhancements. Mr. Jimenez's sister, Maria Jimenez ("Maria"), hired respondent's firm on behalf of Jose to review his post-conviction remedies. Maria retained respondent's firm to conduct a "case review" and on February 5, 2021, Maria paid respondent \$3,000.00.

EXHIBIT 12



The State Bar
of California

OFFICE OF CHIEF TRIAL COUNSEL

845 S. Figueroa Street, Los Angeles, CA 90017

213-765-1088

Claudia.Villasenor@calbar.ca.gov

July 12, 2024

PERSONAL AND CONFIDENTIAL

Erin Joyce

117 E. Colorado Blvd., Suite 465

Pasadena, CA 91105

Via Email: erin@erinjoycelaw.com

Richard Kaplan

1546 N. Fairfax Avenue

Los Angeles, CA 90046

Via Email: kaplan@kaplanmarino.com

Re: Respondent: Aaron Spolin
 Case Number: 23-O-16555
 Complainant: Melissa Shelton and Maurice Wilson

Dear Erin Joyce:

This letter is sent to you based upon information that you are currently representing the respondent in the above-noted matter. If this is incorrect, please advise me within **five** days so that future communications may be directed to the respondent personally.

The State Bar received a complaint from Melissa Shelton and Maurice Wilson alleging the following:

Maurice Wilson ("Mr. Wilson") is incarcerated and serving 39 years to life (a sentence that was reduced from 45 years to life), as a result of being convicted of discharging two (2) gunshots into a vehicle and possessing a gun as a felon.

Mr. Wilson heard about respondent while serving time at Folsom State Prison. In or about January 2020, Mr. Wilson asked his fiancé Melissa Shelton ("Ms. Shelton") to review the respondent's website. Ms. Shelton reviewed respondent's website at that time and saw

EXHIBIT 13



The State Bar
of California

OFFICE OF CHIEF TRIAL COUNSEL

845 S. Figueroa Street, Los Angeles, CA 90017

213-765-1088

Claudia.Villasenor@calbar.ca.gov

July 24, 2024

PERSONAL AND CONFIDENTIAL

Erin Joyce

117 E. Colorado Blvd., Suite 465

Pasadena, CA 91105

Via Email: erin@erinjoycelaw.com

Richard Kaplan

1546 N. Fairfax Avenue

Los Angeles, CA 90046

Via Email: kaplan@kaplanmarino.com

Re: Respondent: Aaron Spolin
 Case Number: 23-O-16555
 Complainant: Maurice Wilson and Melissa Shelton

Dear Erin Joyce and Richard Kaplan:

This letter is sent to you based upon information that you are currently representing the respondent in the above-noted matter. If this is incorrect, please advise me within **five** days so that future communications may be directed to the respondent personally.

We have a few additional questions related to the July 12, 2024 letter of inquiry that was sent to you with a response due date of August 2, 2024 in the above-referenced matter as follows:

1. Was Omar Walker a client of respondent at any time?
 - a. If so, please provide information regarding the nature and timing of the representation, how much Mr. Walker paid respondent, and the outcome of any post-conviction relief that respondent was hired to perform.

EXHIBIT 14



The State Bar
of California

OFFICE OF CHIEF TRIAL COUNSEL

845 S. Figueroa Street, Los Angeles, CA 90017

213-765-1088

Claudia.Villasenor@calbar.ca.gov

July 24, 2024

PERSONAL AND CONFIDENTIAL

Erin Joyce

117 E. Colorado Blvd., Suite 465

Pasadena, CA 91105

Via Email: erin@erinjoycelaw.com

Richard Kaplan

1546 N. Fairfax Avenue

Los Angeles, CA 90046

Via Email: kaplan@kaplanmarino.com

Re: Respondent: Aaron Spolin
 Case Number: 23-O-16555
 Complainant: Maurice Wilson and Melissa Shelton

Dear Erin Joyce and Richard Kaplan:

This letter is sent to you based upon information that you are currently representing the respondent in the above-noted matter. If this is incorrect, please advise me within **five** days so that future communications may be directed to the respondent personally.

We have a few additional questions related to the July 12, 2024 letter of inquiry that was sent to you with a response due date of August 2, 2024 in the above-referenced matter as follows:

1. Was Omar Walker a client of respondent at any time?
 - a. If so, please provide information regarding the nature and timing of the representation, how much Mr. Walker paid respondent, and the outcome of any post-conviction relief that respondent was hired to perform.

EXHIBIT 15



The State Bar
of California

OFFICE OF CHIEF TRIAL COUNSEL

845 S. Figueroa Street, Los Angeles, CA 90017

213-765-1088

Claudia.Villasenor@calbar.ca.gov

September 17, 2024

PERSONAL AND CONFIDENTIAL

Erin Joyce

117 E Colorado Blvd, Suite 465

Pasadena, CA 91105

Via Email: erin@erinjoycelaw.com

Richard Kaplan

1546 N. Fairfax Avenue

Los Angeles, CA 90046

Via Email: kaplan@kaplanmarino.com

Nina Marino

1546 N. Fairfax Avenue

Los Angeles, CA 90046

Via Email: marino@kaplanmarino.com

Re: Respondent: Aaron Spolin
 Case Number: 23-O-16130
 Complainant: Wesner Charles

Dear Erin Joyce, Richard Kaplan, and Nina Marino:

This letter is sent to you based upon information that you are currently representing the respondent in the above-noted matter. If this is incorrect, please advise me within **five** days so that future communications may be directed to the respondent personally.

The State Bar received a complaint from Wesner Charles alleging the following:

On May 21, 2003, Wesner Charles was convicted of attempted carjacking and second-degree robbery, as well as firearm allegations that were found true as to both counts (LASC

EXHIBIT 16



The State Bar
of California

OFFICE OF CHIEF TRIAL COUNSEL

845 S. Figueroa Street, Los Angeles, CA 90017

213-765-1088

Claudia.Villasenor@calbar.ca.gov

September 26, 2024

PERSONAL AND CONFIDENTIAL

Erin Joyce
117 E Colorado Blvd, Suite 465
Pasadena, CA 91105
Via Email: erin@erinjoycelaw.com

Richard Kaplan
1546 N. Fairfax Avenue
Los Angeles, CA 90046
Via Email: kaplan@kaplanmarino.com

Nina Marino
1546 N. Fairfax Avenue
Los Angeles, CA 90046
Via Email: marino@kaplanmarino.com

Re: Respondent: Aaron Spolin
 Case Number: 24-O-14431
 Complainant: Demetrius Johnson and Chimera Robinson

Dear Erin Joyce, Richard Kaplan, and Nina Marino:

This letter is sent to you based upon information that you are currently representing the respondent in the above-noted matter. If this is incorrect, please advise me within **five** days so that future communications may be directed to the respondent personally.

The State Bar received a complaint from Demetrius Johnson and Chimera Robinson alleging the following:

EXHIBIT 17



The State Bar
of California

OFFICE OF CHIEF TRIAL COUNSEL

845 S. Figueroa Street, Los Angeles, CA 90017

213-765-1088

Claudia.Villasenor@calbar.ca.gov

October 1, 2024

PERSONAL AND CONFIDENTIAL

Erin Joyce
117 E Colorado Blvd, Suite 465
Pasadena, CA 91105
Via Email: erin@erinjoycelaw.com

Richard Kaplan
1546 N. Fairfax Avenue
Los Angeles, CA 90046
Via Email: kaplan@kaplanmarino.com

Nina Marino
1546 N. Fairfax Avenue
Los Angeles, CA 90046
Via Email: marino@kaplanmarino.com

Re: Respondent: Aaron Spolin
 Case Number: 23-O-26757
 Complainant: Carlos Arellano

Dear Erin Joyce, Richard Kaplan, and Nina Marino:

This letter is sent to you based upon information that you are currently representing the respondent in the above-noted matter. If this is incorrect, please advise me within **five** days so that future communications may be directed to the respondent personally.

The State Bar received a complaint from Carlos Arellano alleging the following:

On or about June 12, 2003, Carlos Arellano ("Arellano") was convicted of murder, assault/death of a child under 8 years old, and two (2) counts of willful cruelty to a child

EXHIBIT 18



The State Bar
of California

OFFICE OF CHIEF TRIAL COUNSEL

845 S. Figueroa Street, Los Angeles, CA 90017

213-765-1088

Claudia.Villasenor@calbar.ca.gov

October 4, 2024

PERSONAL AND CONFIDENTIAL

Erin Joyce
117 E Colorado Blvd, Suite 465
Pasadena, CA 91105
Via Email: erin@erinjoycelaw.com

Richard Kaplan
1546 N. Fairfax Avenue
Los Angeles, CA 90046
Via Email: kaplan@kaplanmarino.com

Nina Marino
1546 N. Fairfax Avenue
Los Angeles, CA 90046
Via Email: marino@kaplanmarino.com

Re: Respondent: Aaron Spolin
Case Number: 23-O-18002
Complainant: Felita Hammond and Davione Wiley

Dear Erin Joyce, Richard Kaplan, and Nina Marino:

This letter is sent to you based upon information that you are currently representing the respondent in the above-noted matter. If this is incorrect, please advise me within **five** days so that future communications may be directed to the respondent personally.

The State Bar received a complaint from Felita Hammond and Davione Wiley alleging the following:

EXHIBIT 19

A TIMES INVESTIGATION

Lawyer used justice reform to lift inmates' families' hopes

Desperate relatives paid dearly in an often futile effort to free them



KAREN MARQUEZ holds a photo of her husband, Johnathan. She said Spolin Law gave her the impression he would be eligible for resentencing. (Francine Orr Los Angeles Times)

BY HARRIET RYAN

When California enacted landmark criminal justice reforms several years ago, inmates and their families saw a chance at freedom.

A court-appointed attorney later argued for a new hearing partly on the basis of ineffective counsel, noting, “There is no conceivable reason for counsel not to have sufficiently familiarized himself with the facts of the present case.” The appellate court sided with Nguyen though it did not weigh in on Spolin Law’s performance.

Nguyen was released on parole in January. Before he walked out of Folsom, he typed up a complaint against Spolin on his prison-issued tablet and asked that it be forwarded to the State Bar of California.

Spolin declined to discuss Nguyen’s case in detail, but said, “We did not take advantage of Mr. Nguyen’s family... . There was definitely no intention to send someone who didn’t know the facts of the case.”

Nguyen’s complaint was one of several attempts over the years to get authorities to look into Spolin. In October, a frustrated appellate attorney in Oakland contacted the L.A. County D.A. office to request a criminal fraud investigation of the law firm.

“I have attached materials regarding his business practices generally ... so you can see proof of what I believe is a sophisticated scheme to convince desperate families to pay thousands of dollars for sentencing relief [for] loved ones that simply does not exist,” wrote Jenny Brandt, who now works for the Alameda County public defender.

Gascón’s office does not appear to have opened a criminal probe, but it subsequently reported Spolin to the State Bar. By December, that agency had launched an investigation into Spolin’s firm, according to correspondence shared with The Times.

Several attorneys alarmed about Spolin’s practice said they had met with the State Bar’s top prosecutor, Chief Trial Counsel George Cardona, to lay out their concerns.

“The State Bar is expending significant resources into its investigation” of Spolin, an agency prosecutor, Akili Nickson, wrote in an April 10 update to one lawyer shared with The Times. “Mr. Cardona has assigned an entire team of prosecutors and investigators to the matter. The investigation is robust and involves close cooperation of our law enforcement partners.”

Spolin said some appellate attorneys complaining about him are upset about losing clients to his firm.

“We have been more and more successful. We’ve taken work away from them. We’ve negatively impacted many of their incomes,” he said.

The complaints haven’t stopped Spolin from courting inmates and their families. Allen, the convicted murderer from Bakersfield who rejected Spolin’s suggestions three years ago, said he received an unsolicited letter from him in March offering different services.

“Now he’s a habeas expert,” Allen said sarcastically.

In recent months, Spolin has started recommending families pursue a new reform passed last year that allows inmates to challenge their convictions on racial discrimination grounds. The cost quoted is \$24,700.

EXHIBIT 20



OFFICE OF THE
DISTRICT ATTORNEY
ORANGE COUNTY, CALIFORNIA

TODD SPITZER

By Electronic Mail Only to:

Jennifer Lieser
Kaplan Marino Law
(Lieser@kaplanmarino.com)

October 28, 2024

Dear Ms. Lieser:

In compliance with Government Code § 7922.535, this letter addresses your California Public Records Act (PRA) request clarified as of October 11, 2024. We extended our time to respond to November 4, 2024. This letter is our formal response to your request for records; our response is made within the statutory timeframe.

Your verbatim request is set out below; our response follows.

Request:

Pursuant to the California PRA, please produce the following:

1. All AB 2942/Penal Code section 1170(d)(1) requests/petitions for recommendation of resentencing submitted to and maintained by the Orange County District Attorney's Office (OCDA) from September 30, 2018 to present.
2. All OCDA responses to AB 2942/Penal Code section 1170(d)(1) requests/petitions for recommendation of resentencing made from September 30, 2018 to present.

We clarified your request as follows:

Felony resentencing records from September 18, 2018, to date under PC 1170(d)(1), recodified at 1170.03, and currently codified at PC 1172.1.

Specifically:

- Requests for resentencing recommendations;
- Resentencing recommendations (sometimes "petitions for resentencing" or the like);
- Responses to resentencing recommendations/petitions, specifically including opposition and agreements.

Response:

As to your request for “**Requests for Resentencing Recommendations**”:

Unless filed, requests for resentencing recommendations become part of the Orange County District Attorney’s (OCDA’s) investigative file for the matter for which resentencing is sought. Records of investigatory files, compiled by a local police agency for law enforcement purposes, are exempt from disclosure under the PRA. Government Code § 7923.600. This section applies to law enforcement investigatory files and records, including district attorney case files, and continues to apply even if the investigation is closed. See, *Rackauckas v. Superior Court* (2002) 104 Cal.App.4th 150; *Rivera v. Superior Court* (1997) 54 Cal.App.4th 1048; *Williams v. Superior Court* (1993) 5 Cal.4th 337.

As to your request for actual resentencing recommendations and responses thereto, these records are customarily filed with the Orange County Superior Court and thereby become part of the public record. Such records are in the possession, custody, and control of the Superior Court; however, if OCDA has a conformed copy of a responsive record; then, OCDA may be obliged to release it.

However, “[a] clearly framed request which requires an agency to search an enormous volume of data for a ‘needle in the haystack’ or, conversely a request which compels the production of a huge volume of material may be objectionable as unduly burdensome.” *California First Amendment Coal. v. Superior Court* (1998) 67 Cal.App.4th 159. Moreover, a request should reflect the public interest in obtaining disclosable records and its interest in ensuring its law enforcement resources are efficiently dedicated to public protection.

OCDA files approximately 14,000 felony cases per year; consequently, your request implicates approximately 85,000 cases. Unfortunately, our Case Management System does not collect data that would enable OCDA to identify each specific case in which resentencing pleadings consistent with your request were filed.

Consequently, in order to identify potentially responsive pleadings, an OCDA employee would be obliged to go through each potentially responsive felony case by hand. Calculating that an employee could search five (5) cases per hour; then, this project would take approximately 17,000 hours, or 8.5 years for a single employee to accomplish. In light of the foregoing, OCDA objects to your request because it is unduly burdensome to complete.

However, OCDA has been able to identify about 400 felony cases that reference resentencing. We are in the process of examining these case files to learn whether each case contains pleadings responsive to your request. To date, we know that some of these case files do contain responsive pleadings and we have begun to marshal these responsive documents.

Even for 400 cases, it will take some time to locate and marshal responsive documents. Therefore, OCDA intends to produce documents on a rolling basis until we have completed this process for reasonably identifiable case files. You should expect a first tranche of records on or about November 15, 2024.

Please finally note that the OCDA generally claims for its records, such as might exist, all disclosure exemptions applicable under the California Public Records Act. In maintaining the lawful confidentiality of our records, the OCDA claims, enforces, and applies all applicable exemptions, privileges, and proscriptions against public disclosure or records, including but not limited to, those listed in Article 2 of Government Code, Title 1, Division 10, Chapter 3, the California Evidence and Penal Codes, and the Federal Rules of Evidence.

While we set forth our reasons for our response, we reserve the right to present additional theories and authority for or against disclosure in the future.

Sincerely,

Wayne Philips

WAYNE PHILIPS
Public Records Counsel

EXHIBIT 21

From: Karen Joyce <karen@erinjoycelaw.com>
Sent: Monday, October 28, 2024 5:32 PM
To: Erin Joyce <erin@erinjoycelaw.com>; John Morelli <John@erinjoycelaw.com>
Cc: Debbie Vien <debbie@erinjoycelaw.com>
Subject: FW: PSC Letter re Case Nos. 23-O-15672; 23-O-16130; and 24-O-14431; In the Matter of Aaron Spolin

From: Mullikin, Gail <Gail.Mullikin@calbar.ca.gov>
Sent: Monday, October 28, 2024 4:16 PM
To: Erin Joyce <erin@erinjoycelaw.com>; kaplan@kaplanmarino.com; Nina Marino <marino@kaplanmarino.com>
Cc: Chan, Cindy <Cindy.Chan@calbar.ca.gov>
Subject: RE: PSC Letter re Case Nos. 23-O-15672; 23-O-16130; and 24-O-14431; In the Matter of Aaron Spolin

Erin, Nina and Richard:
Any objection to including the above referenced cases in our PSC/VSC hearing on 11/6/24?
Thanks,

Gail C. Mullikin
Trial Counsel, Office of Chief Trial Counsel
[The State Bar of California](https://www.calbar.ca.gov/) | 180 Howard St. | San Francisco, CA 94105
Tel: 415.538.2217 | Email: gail.mullikin@calbar.ca.gov

OUR VALUES | Clarity • Investing in Our People • Excellence • Respect • Growth Mindset

Working to protect the public in support of the mission of the State Bar of California.

Please consider the environment before printing this email.

[LinkedIn](#) | [Twitter](#) | [Facebook](#) | [Instagram](#)

This message may contain confidential information. Unless you are the intended recipient or are authorized to receive information for the intended recipient, you may not use, copy, or disclose the message in whole or in part. If you have received this message in error, please advise the sender by reply e-mail and delete all copies of the message. Thank you.

EXHIBIT 22



The State Bar
of California

OFFICE OF CHIEF TRIAL COUNSEL

845 S. Figueroa Street, Los Angeles, CA 90017

213-765-1088

Claudia.Villasenor@calbar.ca.gov

September 3, 2024

PERSONAL AND CONFIDENTIAL

Erin Joyce
117 E Colorado Blvd, Suite 465
Pasadena, CA 91105
Via Email: erin@erinjoycelaw.com

Richard Kaplan
1546 N. Fairfax Avenue
Los Angeles, CA 90046
Via Email: kaplan@kaplanmarino.com

Nina Marino
1546 N. Fairfax Avenue
Los Angeles, CA 90046
Via Email: marino@kaplanmarino.com

Re: Respondent: Aaron Spolin
 Case Number: 23-O-15672
 Complainant: Anne Gonzales and Joel Robinson

Dear Erin Joyce, Richard Kaplan, and Nina Marino:

This letter is sent to you based upon information that you are currently representing the respondent in the above-noted matter. If this is incorrect, please advise me within **five** days so that future communications may be directed to the respondent personally.

The State Bar received a complaint from Anne Gonzales and Joel Robinson alleging the following:

1 **PROOF OF SERVICE**

2 STATE OF CALIFORNIA, COUNTY OF LOS ANGELES

3 I am employed in the County of Los Angeles, State of California. I am over the age of 18
4 and not a party to the within action. My business address is 117 East Colorado Boulevard, Suite
5 465, Pasadena, California 91105.

6 On October 31, 2024, I served the foregoing document described as
7 DECLARATION OF ERIN JOYCE, ESQ. IN SUPPORT OF RESPONDENT AARON
8 SPOLIN'S MOTION TO ABATE PROCEEDINGS PURSUANT TO RULE OF PROCEDURE
9 OF THE STATE BAR OF CALIFORNIA 5.50(A) on the interested parties in this action by
10 providing a true and correct copy as follows:

11 Gail Mullikin, Trial Counsel
12 Cindy Chan, Trial Counsel
13 Office of Chief Trial Counsel
14 The State Bar of California
15 180 Howard Street
16 San Francisco, CA 94105
17 gail.mullikin@calbar.ca.gov
18 cindy.chan@calbar.ca.gov


The State Bar Court
Hon. Dennis G. Saab
Courtroom C
Hearing Department – Los Angeles
845 S. Figueroa Street, 3rd Floor
Los Angeles, CA 90017
CtroomC@statebarcourt.ca.gov

19 [] BY HAND DELIVERY/PERSONAL SERVICE (C.C.P. §1011 *et seq.*): I caused said
20 document to be personally delivered [by a courier] to each addressee.

21 [] BY FIRST-CLASS MAIL (C.C.P. §1013(a) *et seq.*): I placed each such sealed envelope,
22 with postage thereon fully prepaid for first-class mail, in the United States mail *or* for collection
23 and mailing at the Law Office of Erin Joyce, following ordinary business practices. I am readily
24 familiar with the practice of the Law Office of Erin Joyce for collection and processing of mail,
25 said practice being that in the ordinary course of business, mail is deposited in the United States
26 Postal Service on the same day as it is placed for collection.

27 [X] BY ELECTRONIC TRANSMISSION: I caused a copy of the document to be sent from e-
28 mail address debbie@erinjoycelaw.com to the above-named parties at the e-mail address and/or
fax number given. I did not receive, within a reasonable time after the transmission, an electronic
message or other indication that the transmission was unsuccessful.

I declare under penalty of perjury under the laws of the State of California that the above
is true and correct. Executed on October 31, 2024, at Pasadena, California.

27 
28 Debra L. Vien

DECLARATION OF ERIN JOYCE, ESQ. IN SUPPORT OF RESPONDENT AARON SPOLIN'S
MOTION TO ABATE PROCEEDINGS PURSUANT TO RULE OF PROCEDURE
OF THE STATE BAR OF CALIFORNIA 5.50(A)



FILED

Jan 27 2026

THE BOARD of DISCIPLINARY APPEALS
Appointed by the Supreme Court of Texas

FILED *mg*
10/31/2024

STATE BAR COURT
CLERK'S OFFICE
LOS ANGELES

Erin Joyce, Esq., SBN 149946
ERIN JOYCE LAW, PC
117 East Colorado Boulevard, Suite 465
Pasadena, California 91105
Telephone: (626) 314-9050
Email: erin@erinjoycelaw.com

Attorneys for Respondent
AARON SPOLIN

STATE BAR COURT

HEARING DEPARTMENT – LOS ANGELES

In the Matter of

AARON SPOLIN,

State Bar No. 310379.

Case No.: SBC-24-O-30656-DGS
(OCTC Case Nos. 22-O-14419, 23-O-13011,
23-O-19035, 23-O-20688)

- (1) **RESPONDENT AARON SPOLIN'S
MOTION FOR LEAVE TO SERVE
DISCOVERY SUBPOENAS
PURSUANT TO RULE OF
PROCEDURE OF THE STATE BAR
OF CALIFORNIA 5.61;**
- (2) **MEMORANDUM OF POINTS AND
AUTHORITIES;**
- (3) **DECLARATION OF ERIN JOYCE,
ESQ. IN SUPPORT THEREOF**

**TO THE HONORABLE DENNIS G. SAAB, JUDGE OF THE STATE BAR COURT,
AND TO THE STATE BAR OF CALIFORNIA, OFFICE OF CHIEF TRIAL
COUNSEL:**

///

///

///

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

TABLE OF CONTENTS

**RESPONDENT AARON SPOLIN’S MOTION FOR LEAVE TO SERVE DISCOVERY
SUBPOENAS PURSUANT TO RULE OF PROCEDURE OF THE STATE BAR OF
CALIFORNIA 5.61; 1**

MEMORANDUM OF POINTS AND AUTHORITIES..... 3

I. BRIEF FACTS 3

II. AUTHORITY FOR THIS MOTION..... 9

1. Rule of Procedure of the State Bar of California 5.61 9

2. Rule of Procedure of the State Bar of California 5.64 9

3. California Government Code section 68096.1..... 9

4. California Government Code section 6350 10

**III. GOOD CAUSE EXISTS FOR THE STATE BAR COURT TO ALLOW
SUBPOENAS TO BE ISSUED FOR THE LADA, OCDA AND THE CDCR
RECORDS..... 10**

IV. CONCLUSION 13

DECLARATION OF ERIN JOYCE, ESQ. 14

TABLE OF AUTHORITIES

Statutes

California Assembly Bill 2942 (“AB 2942”).....	3
California Government Code section 6350.....	10
California Government Code section 68096.1.....	9
Penal Code section 1170(d)(1).....	3
Penal Code section 1172.1	11
Penal Code section 1192.7(c)	6
Penal Code section 667(e)(2)(c)(IV)	6
Rule of Procedure of the State Bar of California 5.61	9
Rule of Procedure of the State Bar of California 5.64(A)	8, 9, 12

Other Authorities

Los Angeles County District Attorney’s Office Special Directive 20-14	3
Los Angeles County District Attorney's Office Special Directive 22-05	3, 14

Rules

Federal Rule of Civil Procedure 11(b)(2))	12
Rule of Procedure of the State Bar of California 5.61(A)	9
Rule of Procedure of the State Bar of California 5.61(B).....	9
Rule of Procedure of the State Bar of California 5.64.....	8, 9, 12
Rule of Procedure of the State Bar of California 5.64(C).....	9
Rule of Professional Conduct 3.1	12

1 Respondent Aaron Spolin, by and through counsel, hereby moves for an order
2 authorizing the Respondent to serve discovery subpoenas on the Los Angeles County District
3 Attorney's Office ("LADA"), the Orange County District Attorney's Office ("OCDA"), and the
4 California Department of Corrections and Rehabilitation ("CDCR"). The subpoenas will assist
5 in the procurement of other requests for resentencing via the AB 2942 Application that will be
6 useful in Respondent's defense that his actions were in good faith and reasonable. The
7 information sought is relevant to allegations made by the Office of Chief Trial Counsel.

8 This motion is based upon this motion, the accompanying memorandum in support of
9 this motion, the files and records in this action, and any further evidence and argument that the
10 Court may receive at or before the hearing.

11 Respectfully submitted,

12 ERIN JOYCE LAW, PC

13
14 Date: October 29, 2024

By: 

ERIN JOYCE, ESQ.
Attorneys for Respondent
AARON SPOLIN

1 **MEMORANDUM OF POINTS AND AUTHORITIES**

2 **I. BRIEF FACTS**

3 In 2018, the California Assembly Bill 2942 (“AB 2942”) was passed into law. This law
4 effectively amended section 1170(d)(1) of the California Penal Code, allowing a court to,
5 “recall the sentence and commitment previously ordered and resentence the defendant,” upon
6 the request of the “district attorney of the county in which the defendant was sentenced...”
7 (2017 Bill Text CA A.B. 2942.)¹ Following the passing into law of AB 2942, Mr. Spolin
8 advised a number of his clients, clients he analyzed had a real chance of lowering their
9 sentence, to file AB 2942 applications.

10 Mr. Spolin advised his clients to file AB 2942 applications in the Los Angeles County
11 District Attorney’s Office following his understanding of the Los Angeles County District
12 Attorney’s Office’s Special Directive 20-14.² (**Exhibit 1**) Special Directive 20-14 stated,
13 “[For] cases where the defendant received a sentence that was inconsistent with the [Office’s
14 current] charging and sentencing policies... [The DA’s] Office shall use its powers under Penal
15 Code section 1170(d)(1) to recommend recall and resentencing.”³ (**Exhibit 1**, p. 6.) The
16 Special Directive then listed cases that would receive priority/expedited review. Mr. Spolin
17 understood this to mean that other cases would still be considered but not “expedited.”

18 Special Directive 22-05, effective as of July 2022, seems to have been created out of
19 the confusion and disorganization that resulted from Special Directive 20-14’s expansive
20 language, and sets out two and potentially three tracks for resentencing. (**Exhibit 2**) The multi-
21 track method of resentencing under 22-05 seems to acknowledge the lack of conformity
22 inherent in a discretionary action like a resentencing; individual DA’s might see cases
23

24 ¹ Before Governor Brown signed this new law into effect, existing law permitted only the Secretary of the
25 California Department of Corrections and Rehabilitation or the Board of Parole Hearings, in the case of state prison
inmates, or the county correctional administrator in the case of county jail inmates, to recommend the recall and
resentencing to a lower sentence.

26 ² Special Directive 20-14 was in effect from December 8, 2020 to July 25, 2022, when it was superseded by Special
Directive 22-05.

27 ³ The Special Directive goes on to estimate that there are 20,000 to 30,000 cases that will warrant a resentencing
because their sentence is “out-of-policy” relative to the new policies.

1 differently, might interpret the importance of the priority criteria differently, and might respond
2 differently even to similar fact patterns. Again, Mr. Spolin reasonably interpreted the confusing
3 Special Directive to mean his clients would be able to apply for resentencing, especially given
4 the numerous instances where the Los Angeles County District Attorney's Office encouraged
5 the filing of AB 2942 petitions, with one letter from the District Attorney's Office stating, "As
6 usual, you have provided a strong packet of mitigation on the behalf of your client. I am happy
7 to meet with you to discuss resentencing in this case..." (**Exhibit 3**) Perhaps more
8 importantly, the October 26, 2022 letter from the Los Angeles District Attorney's Office
9 invites Mr. Spolin to submit the very applications that the OCTC is now alleging are
10 disciplinary violations. "In the future, please forward your post-conviction resentencing
11 requests to me if it involves a case coming from the aforementioned jurisdictions." This letter
12 also confirms that the LADA has accepted such applications in the past and will continue to do
13 so in the future, thus demonstrating the relevancy of the subpoenas which the Respondent is
14 seeking in this motion.

15 On October 24, 2024, Los Angeles District Attorney George Gascón announced his
16 decision on the resentencing of Erik and Lyle Menendez at a news conference at the Hall of
17 Justice. (**Exhibit 4**) In that News Release, DA Gascón stated that "In April of 2021, District
18 Attorney ("DA") George Gascón established the Resentencing Unit to address over-
19 incarceration through contemporary laws and policies. **To date, our Resentencing Unit, in**
20 **collaboration with the Murder Resentencing Unit, has reviewed or is actively reviewing**
21 **705 cases, resulting in 332 resentencings which would become 334 resentencings if the**
22 **court grants the resentencing of the Menendez brothers.**" (Emphasis added) The News
23 Release also states that the over 300 resentencings include 28 for murder, which would clearly
24 be outside of the guidelines previously established. In that online News Release, there is a link
25 to the Resentencing Unit. (**Exhibit 5**) The hyperlink for the Resentencing page has a link to the
26 Resentencing Form to submit with applications for resentencing (**Exhibit 6**) as well as a link to
27 "Resentencing Policy FAQs." (**Exhibit 7**) The Frequently Asked Questions ("FAQs") has two
28

1 statements that are at the heart of the NDC and the charges that have been brought by the
2 OCTC:

3 **Can I request that the District Attorney consider a case for**
4 **resentencing if I am not in the tier of cases being prioritized by the RU?**

5 **Yes.**

6 The incarcerated individual, *or their counsel*, can write to the Head
7 Deputy of the Division or Branch responsible for prosecuting the case within the
8 District Attorney's Office and request to be resentenced. The written request
9 should include an explanation of why the person believes they should be
10 resentenced, provide all mitigating circumstances, and proof of all programs or
11 other rehabilitation experiences they have participated in while incarcerated.
12 (italics added)

13 **Do I need a lawyer for resentencing consideration?**

14 The RU works closely with public defenders and nonprofit organizations
15 to ensure that every person the RU recommends for resentencing has access to
16 free legal services. Individuals, however, *are always free to hire their own*
17 *lawyer.*

18 The Orange County District Attorney's Office's application of the new AB 2942 laws
19 was also unclear. Differing opinions emerged from the Deputy District Attorneys ("DDAs")
20 assigned to the Orange County District Attorney's Office ("OCDA")⁴ and DDAs assigned to
21 that Office's Conviction Integrity Unit ("CIU"),⁵ leading to confusion about who may submit
22 an AB 2942 application.

23 This history of resentencing in California is fraught with uncertainty, contradictions,
24 and conflicting information. As seen from the above, AB 2942 was new, untested, confusing,
25 and ever-changing. Private criminal attorneys like Mr. Spolin have been attempting to navigate
26

27 ⁴ OCDA appears to allow more discretion in resentencing requests.

28 ⁵ CIU appears to take a dogmatic approach in denying any resentencing requests

1 this minefield on behalf of their clients since the law’s passage in 2018. Unfortunately, the path
2 to achieving “restorative justice” has been anything but smooth, and Mr. Spolin attempted to
3 wade through the uncertainty in an effort to assist his clients, assistance that may have meant a
4 change from death penalty to life.

5 A very brief summary of the charges in this case is necessary. State Bar Case No. SBC-
6 24-O-30656 encompasses four cases involving a similar fact pattern: OCTC Case Nos. 22-O-
7 14419, 23-O-13011, 23-O-19035, and 23-O-20688. The NDC in this matter alleges that, “As
8 of no later than February 2021, the LADA website identified the ‘priority criteria’ it used when
9 considering AB 2942 applications. The website stated that adults whose cases fit all of the
10 following criteria would be prioritized for review: (1) age 50 and older; (2) sentenced to 20
11 years or more; (3) served a minimum of ten years in custody; (4) serving a sentence for a non-
12 serious or non-violent felony [serious and violent felonies are defined in Penal Code section
13 1192.7(c) and Penal Code section 667.5(c)]; (5) has not suffered a prior conviction for a ‘super
14 strike,’ as defined in Penal Code section 667(e)(2)(c)(IV); and (6) is not a sex offender
15 registrant. The LADA website specifically stated in its FAQs section that the LADA “cannot
16 accept calls, emails, letters, or other submissions regarding individual cases” and that “a lawyer
17 cannot initiate or accelerate the review process for an individual case.”” (NDC at paragraph 5)

18 The First Count of the NDC charges the Respondent with soliciting employment and
19 the payment of additional fees from Holmes and Holley for Respondent to pursue relief under
20 AB 2942. It further alleges that the Respondent failed to communicate and explain a matter to
21 the extent reasonably necessary to permit the clients to make an informed decision regarding
22 that representation by failing to inform those clients of the fact that the case did not fall within
23 the “priority criteria” the LADA applied in its consideration of AB 2942 resentencing matter. It
24 alleges further that Respondent had been given notice by the LADA that there was no need for
25 criminal defendants to take any action to be considered for resentencing and that the LADA
26 would independently identify the cases it would prioritize for resentencing consideration under
27 the law. This allegation by the OCTC is incredible, given the fact that there is a form on the

1 LADA’s website to submit resentencing applications and the web page clearly makes
2 representations that applicants are free to hire their own attorney and to submit applications
3 (**Exhibit 7**—“The incarcerated individual, *or their counsel*, can write to the Head Deputy of
4 the Division Branch responsible for prosecuting the case and request to be resentenced.”) The
5 NDC goes on and alleges that the LADA website specifically stated that the LADA was not
6 accepting submissions regarding individual cases seeking relief, that Respondent had not
7 successfully obtained resentencing relief on behalf of any individual under AB 2942, and the
8 client’s employment of the Respondent was unlikely to result in the client obtaining
9 meaningful relief under AB 2942. To say that the OCTC was wrong given the statements by
10 the LADA on its website, the existing of a Resentencing Unit and the written invitations to
11 attorneys to submit applications on behalf of their clients would be an understatement.

12 Given the directives of the LADA’s office, the NDC is a miscarriage of justice, and
13 these charges are an abomination to the system of attorney discipline. Yet the Respondent must
14 come before the State Bar Court requesting that this court allow him access to the information
15 that would offer a clear exoneration of these charges.

16 Counts Two and Three make similar factual allegations regarding misleading
17 statements by the Respondent and misleading advertising.

18 Without restating all of the factual allegations regarding case numbers 22-O-14419, 23-
19 O-13011, 23-O-19035, and 23-O-20688, the NDC contains similar allegations regarding
20 additional clients who did not fall within the “priority criteria” applied by LADA, as well as
21 making misstatements to those clients and charging an unconscionable fee. While these alleged
22 facts have been broadly summarized, they are set forth in this manner so that the Court has an
23 understanding of the misguided position of the State Bar, that Mr. Spolin is being charged with
24 not following the procedure that was developed by LADA, made misrepresentations about the
25 success of these types of petitions and questioned whether such an application was able to be
26 made by a private attorney under the new law.

The position of LADA is not codified within the law itself, which is silent on the issues of private petitions by counsel and silent on the “priority criterion” that LADA had developed. Mr. Spolin is seeking access to the records of both the Los Angeles and Orange County District Attorneys’ offices regarding these types of applications which were made by other attorneys on behalf of their clients. Respondent submits that this was indeed a new law and that the parameters and means of making an application were by no means settled, despite LADA applying its own interpretive standards to the new law, and that other counsel have made similar applications under AB 2942. The records of all applications received under AB 2942 would materially assist Mr. Spolin in his defense of OCTC’s disciplinary charges that accuse him of misleading representations that encouraged a “false” impression that Mr. Spolin would be able to achieve a meaningful benefit to his clients from an AB 2942 application. Clear evidence that these documents exist in LADA’s own News Release and that the Resentencing Unit has reviewed 705 such applications, which resulted in 332 such resentencings, an astounding 46.43% of the cases reviewed. In order to defend such allegations, Respondent requires access to all AB 2942 applications and their responses to prove the reasonableness of his advice to his clients when dealing with a new law and its inherent unclarity and that, under a new law, he was making a good faith argument for an interpretation of the law.

Evidence similar to that demonstrated in **Exhibit 3**, would clearly show that the LADA, OCDA or the CDCR accepted and allowed such petitions to be filed. These are the materials which are being sought under the subpoenas requested by this motion, and the evidence is not readily available through any other source. The subpoenas sought are provided as exhibits to this motion and utilize the “subpoena forms approved by the Judicial Council of California” as required by Rule of Procedure of the State Bar of California 5.64(A). (See **Exhibits 8, 9, and 10**) It is respectfully submitted that good cause exists to grant Respondent’s motion. If the OCTC were to oppose this motion, it would be further evidence of what appears to be bad faith that permeates the prosecution.

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25
- 26
- 27
- 28

2

3
4
5
6
7

8

9
10
11

12

13

14

15

16

17

18

19

20
21
22
23
24
25
26
27

1 located and while he or she is required to remain at that place pursuant to
2 the subpoena.

3 ...

4 (f) As used in this section, “local agency” means a city, county, city and
5 county, special district, redevelopment agency, or any other political
6 subdivision of the state.

7 ***4. California Government Code section 6350***

8 California Government Code section 6350 provides:

9 In enacting this chapter, the Legislature, mindful of the right of
10 individuals to privacy, finds and declares that access to information
11 concerning the conduct of the people’s business is a fundamental and
12 necessary right of every person in this state.

13 **III. GOOD CAUSE EXISTS FOR THE STATE BAR COURT TO ALLOW**
14 **SUBPOENAS TO BE ISSUED FOR THE LADA, OCDA AND THE**
CDCR RECORDS

15 Following the above authority, the State Bar Court has the power to authorize the
16 issuing of discovery subpoenas on a showing of good cause, including the authorization of
17 subpoenas against local agencies like the Los Angeles and Orange County District Attorneys’
18 Offices (“LADA” and “OCDA”) and the Department of Correction and Rehabilitation
19 (“CDCR”). Therefore, Respondent seeks authorization from the Court to serve LADA, OCDA
20 and CDCR with a subpoena for the following records that are also listed in the MC025
21 attachments to the subpoenas attached herein. **(Exhibits 8, 9, and 10)**

- 22 a. Any and all applications for re-sentencing by any incarcerated person, made by or
23 to the Los Angeles District Attorney's Office, or to any employee, servant or
24 contractor of the LADA including, but not limited to, applications made under AB
25 2942 or Penal Code section 1172.1, made or provided by any person and in any
26 form between September 30, 2018 and up until September 30, 2024 including, but
27

not limited to, the 705 cases submitted to the Resentencing and Murder Units of the LADA as claimed in the October 24, 2024 News Release attached as **Exhibit 1**.

- b. Any and all responses to any applications for re-sentencing by any incarcerated person, made by the Los Angeles District Attorney's Office, or any employee, servant, contractor or person employed by the LADA including, but not limited to, applications made under AB 2942, or Penal Code section 1172.1, made or provided by any person and in any form between September 30, 2018 and up until September 30, 2024;
- c. Any and all numerical records, statistics, summaries, tally sheets or other records maintained or in your possession, either digitally, electronically or in any other form, of the numbers of requests, petitions or pleas for re-sentencing between September 30, 2018 to September 30, 2024.

Exhibits 9 and 10 contain similar language regarding the documents from the OCDA and the CDCR.

Respondent requires these records to assist in his defense of OCTC's disciplinary charges that mainly accuse Respondent of misleading representations that encouraged a "false" impression that Respondent would be able to achieve a meaningful benefit for his clients from an AB 2942 application. In order to defend such allegations, Respondent requires access to all AB 2942 applications and their responses to prove the reasonableness of his advice to his clients when dealing with a new law and its inherent unclarity. The Respondent was not making representations contrary to well-established legal precedent, although such an argument to overturn prior legal precedent, if made in good faith and with sufficient reasons to re-visit established legal precedent, would not be improper. He was interpreting a new law and testing not only the limits of that law, which were unclear, but advocating for clients to be included within the parameters of that law.

The documents will bring to light other legal professionals that interpreted the new law and their Special Directives in the same way as Respondent. The documents will also reveal

1 any positive responses from the District Attorney's Offices and the CDCR to AB 2942
2 applications. Such evidence is vital to the Respondent's defense that he was acting in good
3 faith, and was zealously representing his clients to, what would reasonably be interpreted as,
4 the extent of the law's applicability, in an attempt to change/shorten his clients' sentences.

5 The records being sought would clearly show that the LADA, OCDA or the CDCR
6 accepted and allowed petitions that the OCTC alleged were not permitted and were in fact
7 filed. The materials which are being sought under the subpoenas requested by this motion and
8 the evidence are not readily available through any other source. The subpoenas sought are
9 provided as exhibits to this motion to show that the Respondent is utilizing the "subpoena
10 forms approved by the Judicial Council of California" as required by Rule of Procedure of the
11 State Bar of California 5.64(A). Good cause has been established to grant Respondent's
12 motion.

13 Rule of Professional Conduct 3.1 allows an attorney to, "present a claim or defense in
14 litigation that is not warranted under existing law," if it, "can be supported by a good faith
15 argument for an extension, modification, or reversal of the existing law." (*See also*, Federal
16 Rule of Civil Procedure 11(b)(2)). The above documents will assist Respondent in supporting
17 his case that his actions were a good faith attempt to zealously represent his clients' interests by
18 good faith arguments, supported by previous successes, for an application and extension to a
19 murky area of law.

20 It is not anticipated that the subpoenas will create an undue burden on the public
21 agencies involved, nor will it impinge upon the privacy rights of any applicant, since their
22 criminal convictions are also a matter of public record. Weighing any burden upon the public
23 entity against the value of the information sought reveals that these documents would be
24 crucial to showing that other members of the Bar have made similar arguments regarding the
25 interpretation of a new law. It would also reveal the number of such petitions that had been
26 filed and which had been granted. LADA George Gascón's News Release about the number of
27
28

1 petitions that his office has received, along with the LADA's invitation to attorneys to submit
2 AB 2942 petitions, constitutes good cause for the issuance of these subpoenas.

3 The foregoing establishes good cause for the State Bar Court to authorize discovery
4 subpoenas in the Respondent's case so that he can effectively defend himself against the
5 OCTC's allegations in a manner befitting his due process rights. Respondent has also sought
6 these documents through public record inquiries, currently without success. All three
7 governmental agencies, the Orange County District Attorneys' Office, the Los Angeles District
8 Attorneys' Office and the Department of Corrections and Rehabilitation, have thus far failed to
9 produce the records. While LADA maintains that it does not keep such records (**Exhibit 11**),
10 the OCDA and CDCR requested additional time to review the matter as to whether they would
11 comply (**Exhibits 12 and 13**). On October 28, 2024, OCDA has been able to identify about
12 400 felony cases that reference resentencing. Even for 400 cases, the OCDA has indicated that
13 it will take time to locate and marshal responsive documents and intends to produce documents
14 on a rolling basis on or about November 15, 2024, until they have completed this process for
15 reasonably identifiable case files. (**Exhibit 12**) The issuance of a subpoena, which will have
16 been vetted by judicial review prior to being issued, will be more likely to result in actual
17 compliance by the agencies upon which these subpoenas are being served.

18 IV. CONCLUSION

19 Based upon the foregoing, Respondent respectfully requests that the Court authorize the
20 use of discovery subpoenas to ensure Respondent can effectively defend himself against the
21 charges lodged against him by the OCTC in a manner befitting his due process rights.

22 Respectfully submitted,

23 ERIN JOYCE LAW, PC

24 Date: October 29, 2024

25 By: 

26 ERIN JOYCE, ESQ.
27 Attorneys for Respondent
28 AARON SPOLIN

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25
- 26
- 27
- 28

2
3
4
5
6

7

8
9
10
11

12
13
14
15
16

17
18
19
20
21

22

23

24

25

26

27

28

7. Attached hereto as **Exhibit 5** is a true and correct copy of the “Resentencing” page obtained from the LADA’s website on October 27, 2024.

(<https://da.lacounty.gov/policies/resentencing>)

8. Attached hereto as **Exhibit 6** is a true and correct copy of the form for resentencing obtained from the LADA's website on October 27, 2024.

(https://da.lacounty.gov/sites/default/files/pdf/RU-review-request-form_0.pdf)

9. Attached hereto as **Exhibit 7** is a true and correct copy of the “Resentencing Policy FAQs” obtained from the LADA’s website on October 24, 2024.

(<https://da.lacounty.gov/policies/resentencing-faq>)

10. Attached hereto as **Exhibit 8** is a true and correct copy of the subpoena my firm prepared in the event this Court provides leave to serve a discovery subpoena on LADA.

11. Attached hereto as **Exhibit 9** is a true and correct copy of the subpoena my firm prepared in the event this Court provides leave to serve a discovery subpoena on OCDA.

12. Attached hereto as **Exhibit 10** is a true and correct copy of the subpoena my firm prepared in the event this Court provides leave to serve a discovery subpoena on CDCR.

13. Attached are **Exhibits 11, 12 and 13**, are true copies of the responses that have been received to the public records requests made regarding the documents which are being sought. Respondent has attempted to obtain these records through a public records request; however, all three governmental agencies, the Orange County District Attorney's Office, the Los Angeles District Attorney's Office and the Department of Corrections and Rehabilitation, have failed to produce any records. LADA maintains that it does not keep such records (**Exhibit 11**) (which directly contradicts **Exhibit 4**), the OCDA and CDCR requested additional time to review the matter as to whether they would comply. (**Exhibits 12 and 13**)

/ / /

1 I declare under penalty of perjury under the laws of the State of California that the
2 foregoing is true and correct.

3 Dated this 29th day of October 2024.

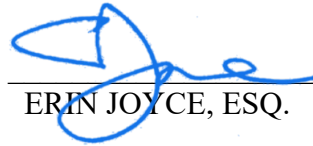

4
5 
6 ERIN JOYCE, ESQ.

EXHIBIT 1

SPECIAL DIRECTIVE 20-14

TO: ALL DEPUTY DISTRICT ATTORNEYS

FROM: GEORGE GASCÓN 
District Attorney

SUBJECT: RESENTENCING

DATE: DECEMBER 7, 2020

This Special Directive addresses issues of the Bureau of Prosecution Support Operations in Chapter 1.07.03 and Probation and Sentencing Hearings in Chapter 13 and Postconviction Proceedings in Chapter 17 of the Legal Policies Manual. Effective **December 8, 2020**, the policies outlined below supersede the relevant sections of Chapter 13 and Chapter 17 of the Legal Policies Manual.

INTRODUCTION

Today, California prisons are filled with human beings¹ charged, convicted and sentenced under prior District Attorneys' policies. Effective today, District Attorney George Gascón has adopted new charging and sentencing policies.

Justice demands that the thousands of people currently serving prison terms imposed in Los Angeles County under earlier, outdated policies, are also entitled to the benefit of these new policies. Many of these people have been incarcerated for decades or are serving a "[virtual life sentence](#)" designed to imprison them for life. The vast majority of incarcerated people are members of groups long disadvantaged under earlier systems of justice: Black people, people of color, young people, people who suffer from mental illness, and people who are poor. While resentencing alone cannot correct all inequities inherent in our system of justice, it should at least be consistent with policies designed to remedy those inequities.

The new Resentencing Policy is effective immediately and shall apply to all offices, units and attorneys in the Los Angeles County District Attorney's Office (hereinafter "Office"). While particular attention will be paid to certain people as discussed herein, every aspect of existing sentencing or resentencing policy will be subject to examination. The intent of this Resentencing Policy is that it will evolve with time to ensure that it reflects the values of the District Attorney, and by extension, the people of Los Angeles County.

¹ We will seek to avoid using dehumanizing language such as "inmate," "prisoner," "criminal," or "offender" when referencing incarcerated people.

FURTHER DIRECTIVES FOR OPEN/PENDING CASES

The following rules apply to any case where a defendant or petitioner is legally eligible for resentencing or recall of sentence, including but not limited to:

- Habeas corpus cases.
- Cases remanded to Superior Court by the Court of Appeal or Supreme Court.
- Cases referred to the Superior Court under Penal Code section 1170(d)(1).
- Cases pending resentencing under Penal Code sections 1170.126, 1170.127, 1170.18, 1170.91, and 1170.95.
- Cases pending under Penal Code section 1170(d)(2).
- All cases where the defendant was a minor at the time of the offense.
- Any other case that may be the subject of resentencing not specified here.

Any Deputy District Attorney assigned to a case pending resentencing or sentence recall consideration under any valid statute shall comply with the following directives until further notice.

- 1) If the defendant or petitioner is serving a sentence that is higher than what he/she would receive today, due to operation of law or by operation of the District Attorney's new Sentencing Policy, the deputy in charge of the case shall withdraw any opposition to resentencing or sentence recall and request a new sentence that complies with current law and/or the District Attorney's new Sentencing Policy. This policy applies even where enhancements were found true in a prior proceeding. This policy shall be liberally construed to achieve its purposes.
- 2) If the defendant or petitioner is seeking relief under Penal Code section 1170.95, the DDA may concede that the petitioner qualifies for relief. If the assigned DDA does not believe that the petitioner qualifies for relief, the DDA must request a 30 day continuance, during which time the assigned DDA shall review the case in light of the Office's specific Penal Code 1170.95 Policy, *see below*. If the DDA continues to oppose relief, the DDA shall submit the reasons in writing to the Head Deputy. The Head Deputy shall then seek approval from the District Attorney or his designee in order to determine whether the Office will continue to oppose relief.
- 3) If a defendant or petitioner would not qualify for a reduced sentence by operation of law if convicted today or under the Office's new Sentencing Policy, then the DDA in charge of the case may seek a 30-day continuance. During that time, the deputy shall evaluate whether to support or oppose the resentencing (or sentence recall) request. If the deputy believes that compelling and imminent public safety concerns justify opposition to revisiting the sentence, then the deputy must submit those concerns in writing to her Head Deputy who shall then seek approval from the District Attorney or his designee.
- 4) All laws concerning victim notification and support shall be honored.

PENAL CODE § 1170.95/SB 1437 RESENTENCING POLICY


1. We start with a position of respect for our co-equal branch of government, the legislature. Like the courts, we presume that laws passed by the legislature are constitutional. “[U]nder long-established principles, a statute, once enacted, is presumed to be constitutional.” (*Lockyer v. City and County of San Francisco* (2004) 33 Cal.4th 1055, 1119.) We will no longer seek to delay implementation of laws by making arguments that laws that provide retroactive relief are unconstitutional.
2. The Office’s position is that defense counsel should be appointed when the petition is filed and there should be no summary denials by the court. (*People v. Cooper* (2020) 54 Cal.App.5th 106; *People v. Tarkington* (2020) 49 Cal.App.5th 892, 917, review granted Aug. 12, 2020, S263219 [dis. opn. of Lavin, J.])
3. Many people accepted plea offers to manslaughter, made by this Office in order to avoid a conviction for murder. It is this Office’s policy that where a person took a plea to manslaughter or another charge in lieu of a trial at which the petitioner could have been convicted of felony murder, murder under the natural and probable consequences doctrine, attempted murder under the natural and probable consequences doctrine, or another theory covered by Senate Bill 1437, that person is eligible for relief under section 1170.95. Such a position avoids disparate results whereby a person who this Office has already determined to be less culpable -- as evidenced by allowing a plea for manslaughter -- serves a longer sentence than a similarly situated person who is now eligible for relief under section 1170.95.
4. Section 1170.95 (d)(2) states, “[I]f there was a prior finding by a court or jury that the defendant did not act with reckless indifference to human life or was not a major participant in the felony, the defendant is entitled to have his or her murder conviction vacated.” This prior finding includes cases where a magistrate found that there was insufficient evidence of major participation in a felony or reckless indifference to human life following a preliminary hearing, or at any stage in the proceedings.
5. The Office’s position is that, consistent with the definition of “prima facie,” the court must not engage in fact finding at the prima facie stage. (*People v. Drayton* (2020) 47 Cal. App. 5th 965.)
6. The Office’s position is that if the person was an accomplice to the underlying felony, and had a special circumstance finding that was decided before *People v. Banks* (2015) 61 Cal 4th 788 or *People v. Clark* (2016) 63 Cal. 4th 522, then the filing of a Penal Code section 1170.95 petition is adequate to trigger the section 1170.95 process. There is no requirement that the petitioner file a separate habeas petition first. (*People v. York* (2020) 54 Cal. App. 5th 250, 258.) The next stage is an evidentiary hearing.
7. The Office’s position is that if allegations pursuant to Penal Code section 190.2 (a) (17) were dismissed as part of plea negotiations and the petitioner was not the actual killer, this Office will not attempt to prove the individual is ineligible for resentencing. This Office will stipulate to eligibility per section 1170.95(d)(2).

8. The Office's position is that, consistent with *People v. Medrano* (2019) 42 Cal. App. 5th 1001, 1008, rev. granted, that a person who was convicted of attempted murder under the natural and probable consequences doctrine is eligible for resentencing under section 1170.95. Among other reasons, this avoids the great disparity that arises when one who was convicted of murder under the now abolished natural and probable consequences doctrine is able to be resentenced but one who was convicted of attempted murder is not.
9. If the client has previously won relief under *People v. Chiu* (2014) 59 Cal. 4th 155, the Office will not attempt to argue that the petitioner is ineligible for resentencing, or could be convicted as a direct aider and abettor.
10. If the jury was never instructed on direct aiding and abetting, implied malice murder, or any other intent-to-kill theory, or if the trial prosecutor never argued one of these theories, this Office will not argue that the petitioner can now be convicted under one of these theories during 1170.95 proceedings. Theories must remain consistent.
11. Relatedly, if a jury was not even instructed on implied malice murder or some other theory of homicide not covered by section 1170.95, the prosecution cannot now meet our burden of proof beyond a reasonable doubt that the petitioner is ineligible for resentencing.
12. If the petitioner was convicted of murder and the petitioner's jury was instructed on the natural and probable consequences theory doctrine and/or a first or second degree felony murder instruction at trial, then it may have been possible that petitioner was convicted under one of these theories and this Office will not seek to rebut petitioner's prima facie showing. The case must proceed to the evidentiary hearing.
13. Because jury deliberations are secret, in the absence of special findings, it is not possible to determine the actual basis of a jury verdict when multiple theories were before the jury. Therefore, at an evidentiary hearing, if the petitioner was convicted of murder and the petitioner's jury was instructed with a felony murder or a natural and probable consequences doctrine instruction along with other theories, there is a reasonable doubt that the jury convicted petitioner under the old felony murder rule or the now abolished doctrine of natural and probable consequences. Because the statute allows for the introduction of "new or additional evidence," the deputy district attorney may introduce evidence to show, for example, that the petitioner was the actual killer, or acted as a major participant with reckless indifference to human life, or was convicted under a still-valid theory on which the jury was instructed. See below for this Office's position on evidence that we will and will not seek to admit.
14. At an evidentiary hearing pursuant to section 1170.95 (d)(3), the prosecution must prove beyond a reasonable doubt that the petitioner is ineligible for resentencing. A deputy district attorney may not argue that the standard for the court to determine whether a petitioner is ineligible for resentencing is whether there is "sufficient evidence" to uphold the conviction. This is a standard of proof for an appellate court affirming a conviction. It is not the standard of proof for a trial court in a section 1170.95 proceeding. (*People v. Lopez* (2020) 56 Cal.App. 5th 936, 949-950.)

EXHIBIT 2

SPECIAL DIRECTIVE 22-05

TO: ALL DEPUTY DISTRICT ATTORNEYS

FROM: GEORGE GASCÓN 
District Attorney

SUBJECT: RESENTENCING IN POSTCONVICTION CASES; PROSECUTION-INITIATED RESENTENCING REQUESTS.

DATE: JULY 25, 2022

This Special Directive supersedes portions of the Resentencing Policy set forth in Special Directive (SD) 20-14 relating to postconviction resentencing procedures and protocols.

Introduction

Through recent legislation, the California Legislature has refined the authority of prosecutors and the California Department of Corrections and Rehabilitation (CDCR) by allowing each to initiate resentencing proceedings. The Legislature further highlighted in express statutory findings the heavy fiscal burden and social costs to Californians of inordinately long sentences where shorter prison terms would achieve accountability, punishment, and public safety goals. (See, Stats. 2021, c. 719, § 1, (A.B. 1540).) In Assembly Bill 1540, effective January 1, 2022, the Legislature made the following findings with respect to incarceration and resentencing:

- (a) Starting in the mid-1970s, rates of incarceration in California began to rise rapidly in an unprecedented manner.
- (b) There are currently approximately 35,000 people serving life sentences in California state prisons, representing 38 percent of the prison population.
- (c) According to the California Department of Corrections and Rehabilitation, as of June 2019, approximately 24 percent of the California prison population was over 50 years of age.
- (d) According to the Committee on Revision of the Penal Code's 2020 Annual Report:
 - (1) It costs taxpayers approximately \$83,000 per year to keep someone in state prison.
 - (2) Researchers have found that lengthy sentences and high rates of incarceration have diminishing returns in reducing crime rates.
 - (3) There is almost no evidence that long sentences deter the crimes they are intended to deter.
 - (4) Research shows that criminal involvement diminishes dramatically after an individual reaches 40 years of age and even more after 50 years of age.
 - (5) Crime rates in California have decreased steadily since the 1990s. This drop has continued alongside reductions in the California prison population and alongside the enactment of numerous criminal justice reforms.

- (6) According to a survey by Crime Survivors for Safety and Justice and Californians for Safety and Justice, most crime victims in California support additional reforms to our criminal legal system. According to the survey, 75 percent of surveyed victims favor reducing sentence lengths for people in prison who are assessed as a low risk to public safety.
- (e) In recent years, Californians have repeatedly and consistently embraced reforms to reduce California's prison population.
- (f) Under existing law, any person incarcerated in a state prison or county jail can only be referred for resentencing by a law enforcement agency, such as the Secretary of the Department of Corrections and Rehabilitation, a district attorney, or the Board of Parole Hearings.
- (g) These law enforcement agencies devote significant time, analysis, and scrutiny to each referral that they make.
- (h) It is the intent of the Legislature for judges to recognize the scrutiny that has already been brought to these referrals by the referring entity, and to ensure that each referral be granted the court's consideration by setting an initial status conference, recalling the sentence, and providing the opportunity for resentencing for every felony conviction referred by one of these entities.
- (i) It is the intent of the Legislature that resentencing proceedings pursuant to Section 1170.03 of the Penal Code^[1] apply ameliorative laws passed by this body that reduce sentences or provide for judicial discretion, regardless of the date of the offense or conviction.

(Stats. 2021, c. 719, § 1, (A.B. 1540).)

Moreover, in Assembly Bill 200, the legislature moved the statute authorizing prosecution-initiated resentencing from Article 1 of Chapter 4.5 of Title 2 of the Penal Code on Initial Sentencing to Article 1.5 on Recall and Resentencing in order to make it clear that a prosecutor has authority to resentence individuals who were imprisoned for life or sentenced to death. (See Penal Code section 1172.1, Stats. 2022, c. 58 (A.B. 200, effective July 1, 2022).)

In accordance with recently enacted laws and to provide additional guidance to deputies on how to resentence individuals in postconviction cases, prosecution-initiated resentencing petitions and CDCR resentencing requests, the following sections will be added to the Legal Policies Manual (LPM): §17.09 Resentencing in Post-Conviction Cases; §17.09.1 Prosecution-Initiated Resentencing Requests; §17.09.2 The Resentencing Unit; §17.09.3 Prosecution-Initiated Resentencing Requests Outside of the Resentencing Unit; and §17.09.4 Reentry Programs and Parole Supervision.

The LPM is amended to add the following sections:

17.09 RESENTENCING IN POSTCONVICTION CASES

Postconviction resentencing cases are defined as any case wherein a defendant or petitioner is legally eligible for resentencing, or recall of sentence, by way of:

¹ All further statutory references are to the Penal Code unless otherwise indicated.

- Habeas corpus cases.
- Cases remanded to Superior Court by the Court of Appeal or Supreme Court.
- Cases referred to the Superior Court under section 1172.1 (formerly sections 1170, subd. (d) or and 1170.03).
- Cases pending resentencing under sections 1170, subdivision (e), 1170.126, 1170.127, 1170.18, 1170.91, 1172.7 (formerly section 1171), and 1172.75 (formerly section 1171.1).
- Any other case that may be the subject of resentencing not specified here other than those involving felony murders or murders under the natural and probable consequences doctrine or other theory under which malice is implied to a person based solely on that person's participation in a crime, attempted murder under the natural and probable consequences doctrine, or manslaughter pursuant to section 1172.6 (formerly section 1170.95). Defense-initiated resentencing petitions filed pursuant to section 1172.6 (commonly referred to as murder resentencing cases) are governed by policies specific to those cases.

In all non-CDCR and non-prosecution-initiated postconviction resentencing cases where the defendant or petitioner is serving a sentence that is higher than what they would receive today due to current law, the deputy handling the matter shall not oppose resentencing unless the defendant or petitioner is an unreasonable risk of danger to public safety as evidenced by compelling and imminent public safety concerns which include post-conviction factors. If the deputy believes the defendant poses such a risk, the deputy must submit those concerns in writing to their Head Deputy for approval. If the potential resentencing involves a defendant who was under 18 years of age at the time of the offense, the Chief Deputy or their Designee shall be notified. (See GOM 22-015 on Notification Requirements for Cases Involving Minor Defendants.)

In all postconviction resentencing cases where the defendant has been recommended for resentencing by the CDCR pursuant to section 1172.1, the court must appoint counsel and set a status conference within 30 days of receiving the recommendation. (§1172.1, subd. (b)(1).) This section sets forth a presumption that resentencing shall be granted unless the court finds the defendant is an unreasonable risk to public safety as defined in section 1170.18, subdivision (c). (§1172.1, subd. (b)(2).) Hence, the deputy handling the matter shall not oppose resentencing unless the defendant is an unreasonable risk of danger to public safety, i.e. at risk of committing a new violent felony. If the deputy believes the defendant poses such a risk, the deputy must submit those concerns in writing to their Head Deputy for approval. If the CDCR recommendation is based on exceptional/meritorious conduct, their Head Deputy shall additionally seek authorization to oppose resentencing from the Director of Prosecution Support Operations.

CDCR initiated resentencing requests based on a medical urgency or requesting a compassionate release will be handled by the Branch/Unit where the case is before the court. Deputies handling these cases shall not oppose release absent evidence that the individual is an unreasonable risk of danger to public safety as evidenced by compelling and imminent public safety concerns which include post-conviction factors. If a deputy believes the individual poses such a risk, the deputy

EXHIBIT 3



LOS ANGELES COUNTY DISTRICT ATTORNEY'S OFFICE
BUREAU OF BRANCH & AREA OPERATIONS, REGION 2
COMPTON BRANCH OFFICE

GEORGE GASCÓN • District Attorney
SHARON L. WOO • Chief Deputy District Attorney
JAMES W. GARRISON • Assistant District Attorney

RONALD GELTZ • Director
Region II

October 26, 2022

Aaron Spolin
Jeremy Cutcher
11500 W. Olympic Blvd Ste. 400
Los Angeles, CA 90064

Re: People v [REDACTED], [REDACTED]

Counsel,

Thank you for your recent resentencing request in the case of People v [REDACTED], [REDACTED]. Your request was forwarded to me because I am the Assistant Head Deputy for the Community Violence Reduction Division of the Los Angeles County District Attorney's Office. May Chung is my immediate supervisor and I am responsible for supervising the gang prosecutions in Compton, Norwalk, Long Beach, Airport, Inglewood, Pomona, Torrance, Van Nuys, and San Fernando. In the future, please forward your post-conviction resentencing requests to me if it involves a case coming from the aforementioned jurisdictions.

As usual, you have provided a strong packet of mitigation on the behalf of your client. I am happy to meet with you to discuss resentencing in this case. Please suggest a date and time that we could meet to discuss in person or via Zoom/Teams. Please see if you can get the C-file for Mr. [REDACTED] so that I can review his disciplinary record while in prison. It certainly looks like he has done a good job while in prison, but I would need to see his C-file in order to make a recommendation in this matter. Let me know your availability and I look forward to hearing from you soon.

Yours truly,

George Gascon
District Attorney

By [REDACTED]
[REDACTED]

200 W COMPTON BOULEVARD RM 700

COMPTON CA 90220

(310) 603-7483

Fax: (310) 603-0493

EXHIBIT 4



Media

[News Releases & Advisories](#)

[Media Resources](#)

[Media FAQs](#)

[Open Letters](#)

Media Relations

211 West Temple Street
Suite 1200
Los Angeles, CA 90012
Phone: (213) 257-2000

News Releases

2024

[January](#) [February](#) [March](#)
[April](#) [May](#) [June](#)
[July](#) [August](#) [September](#)
[October](#)

Years

[2020](#) [2021](#) [2022](#)
[2023](#) [2024](#)

News Releases

October 24, 2024: District Attorney Gascón Announces Decision in Resentencing of Erik and Lyle Menendez

Contact:

Media Relations Division
(213) 257-2000
Media@da.lacounty.gov

DA Gascón announced his decision Thursday on the resentencing of Erik and Lyle Menendez at a news conference at the Hall of Justice

LOS ANGELES – Los Angeles County District Attorney George Gascón today announced his decision to recommend the resentencing of Erik Menendez, 53, and Lyle Menendez, 56, after being in custody for approximately 35 years for the murders of their father and mother, Jose and Kitty Menendez in August 1989.

This matter will now go before a Los Angeles Superior Court Judge who will make the decision to formally resentence both men, at which time it will be decided if they will be released from prison. The date of this future court hearing is to be determined.

"Today, as we move forward with the resentencing of Erik and Lyle Menendez who have spent 35 years behind bars after being convicted in 1996 for the killing of their parents, Jose and Kitty Menendez, we must acknowledge the deep pain and suffering experienced by the victims' families. For decades, they have navigated the grief of their unimaginable loss. We also acknowledge Erik and Lyle's continuous rehabilitative efforts during their incarceration," District Attorney Gascón said.

"Since the original prosecution of the Menendez brothers more than nearly three decades ago, our office has gained a deeper understanding of the complexities surrounding sexual violence. We recognize that it is a widespread issue impacting individuals of all gender identities, and we remain steadfast in our commitment to support all victims as they navigate the long-lasting effects of such trauma," Gascón added.

This decision comes after the office's Resentencing Unit conducted a meticulous review and confirmation of evidence presented by the defense attorneys, including reviewing materials, drafting court filings, meeting with family members of the Menendez's, and evaluating the men's rehabilitation and behavior while incarcerated.

In 1996, after two trials in 1993 and 1995, the Menendez brothers were convicted by a jury of first-degree murder and sentenced to life in prison without the possibility of parole in the murders of Jose and Kitty Menendez. They've both served approximately 35 years in custody and are currently at the Richard J. Donovan Correctional Facility.

In April 2021, District Attorney George Gascón established the Resentencing Unit to address over-incarceration through contemporary laws and policies. To date, our Resentencing Unit, in collaboration with the Murder Resentencing Unit, has reviewed or is actively reviewing 705 cases, resulting in 332 resentencings which would become 334 resentencings if the court grants the resentencing of the Menendez brothers.

This process reflects our commitment to justice and a more equitable legal system.

Menendez Brothers FAQ

In 1993, Erik and Lyle Menendez were tried for the 1989 shooting deaths of their parents, Kitty and Jose Menendez. During their first trials, defense attorneys presented evidence of Jose's sexual abuse and argued the brothers were guilty of manslaughter because they killed their parents based

on an honest but unreasonable belief that they were in danger. The brothers had separate juries. Both juries could not reach a verdict, resulting in a mistrial.

In 1995, prosecutors retried the brothers. In this trial, much of the evidence of sexual abuse was excluded. Prosecutors argued that the brothers fabricated the abuse. In 1996, Erik and Lyle were each convicted by a jury of first-degree murder and sentenced to life without parole. Lyle was 21 and Erik was 18 at the time of the shooting. Lyle is currently 56 and Erik is 53. The brothers have been in custody with no chance of parole for nearly 35 years.

What is the District Attorney's resentencing policy?

DA Gascón is committed to reviewing the sentences of incarcerated people to determine if they are no longer appropriate under current law and/or office policy. When considering reviewing a case for possible resentencing, our office weighs a number of factors, including:

- The age of the person at the time of the crime, as scientific evidence shows that the juvenile brain is not fully formed to understand risk;
- Any pre-conviction psychological trauma or physical abuse that contributed to the commission of the offense, if it was not taken into consideration at the original sentencing;
- Whether the individual has already served a significant amount of time in prison sufficient to hold the individual accountable for their crime;
- Evidence of rehabilitation in prison, such as mentoring other prisoners, attending college classes, taking accountability for their actions, participating in community organizations, as well as testimony from prison staff and community members;
- The individual's detailed and actionable plans to positively contribute to society following release;
- Evidence that reflects whether age, time already served, or diminished physical condition, if any, have reduced the risk for future violence;
- Evidence that laws and policies have changed such that continued incarceration is no longer in the interest of justice.

For more information on the office's Resentencing Unit, visit:

<https://da.lacounty.gov/policies/resentencing>

Does the District Attorney decide whether or not a person will be resentenced?

No. Although the District Attorney may request an individual's sentence be reduced, decisions to reduce sentences are made by judges.

What legal pathways could lead to the Menendez brothers' release?

Last year, the brothers filed a habeas petition in court to overturn their convictions based on the discovery of new evidence. This year, the brothers' defense attorneys sent our office a request to resentence the brothers. While the habeas petition raises questions about the evidence at trial, the resentencing request focuses on rehabilitation and behavior during time served.

In both the habeas petition and resentencing tracks, the DA makes recommendations, and the court makes the final decision. If the court declines the DA's resentencing recommendation for any reason, the habeas petition remains an option.

How soon could the brothers be released if a judge approves the DA's recommendation?

It's not possible for our office to speculate because any release decision would be made by the judge. If and when the judge resentsences the brothers or grants the defense's habeas petition, the judge would decide when and if they would be released.

Why are you making this resentencing announcement now?

Earlier this year, the brothers' attorneys provided substantial material in the form of letters of support and prison records to establish their claim that the brothers have been rehabilitated and should be resentenced. We have been working diligently to thoroughly investigate their claims and prosecutors in our office's Resentencing Unit reached a decision.

The Menendez brothers filed a habeas petition in May 2023. Why is the next court date for the DA to respond to the habeas petition November 26?

To respond to the filing, the District Attorney's office has been in the process of reviewing transcripts, court files, and other documents to address the claims raised in the petition. Our office is dedicated to a thorough and fair process and is working as quickly as justice permits. The timing for our response has been agreed to by the defense.

Did the District Attorney meet with the Menendez brothers' victims/family members as the case was being considered for resentencing?

Crime victims have an opportunity to address the District Attorney's Office and the court as part of any resentencing. Our legal team has met with the Menendez brothers' family to listen to their concerns and perspectives. The DA did not personally meet with victims' families.

How many people has the office resentenced under DA Gascón?

In April 2021, District Attorney George Gascón established the Resentencing Unit to address over-incarceration through contemporary laws and policies. To date, our Resentencing Unit, in collaboration with the Murder Resentencing Unit, has reviewed or is actively reviewing 705 cases, resulting in 332 resentencings which would become 334 resentencings if the court grants the resentencing of the Menendez brothers.

[Watch news conference in English.](#)

[Watch news conference in Spanish.](#)

Links:

[Employment](#) | [Public Data](#)

[Site Map](#) | [Privacy Policy](#) |

Select Language ▼

Powered by **Google Translate**



DO YOU NEED HELP?

L.A. County Home
211 L.A. County
LA County Helps



© 2020 Los Angeles County District Attorney's Office.

EXHIBIT 5



Operations

Resentencing

Re-Sentencia

Resentencing Policy FAQs

Preguntas y Respuestas sobre Normas de Re-Sentencia

Public Integrity

Opioid Complaint Form

Conviction Integrity Unit

Human Trafficking

Sexually Violent Predator Unit

Elder Abuse

Environmental Crimes

Alternative Sentencing Courts

Resentencing

 SEARCH

En Español

The District Attorney's new Resentencing Unit, which was established on April 26, 2021, is now reviewing, evaluating and processing the following two categories of cases for possible resentencing pursuant to Penal Code section 1170(d):

Adults

- a) Age 50 and older; AND
- b) Sentenced to 20 years or more; AND
- c) Served a minimum of 10 years in custody; AND
- d) Serving a sentence for a non-serious or nonviolent felony [Serious and violent felonies are defined in Penal Code section 1192.7(c) and Penal Code section 667.5(c)]; OR a robbery without the use of a weapon; OR a residential burglary without anyone present; AND
- e) Has not suffered a prior conviction for a "super strike," as defined in Penal Code section 667(e)(2)(C)(IV); AND
- f) Is not a sex offender registrant.

AND

Minors Tried as Adults

- a) Sentenced for a crime that was committed at age 14 or 15; AND
- b) Not serving time for murder; AND
- c) Has served a minimum of 10 years in custody; AND
- d) Is not a sex offender registrant.

Once the review of the above listed cases has been completed, the website will be updated to identify new categories of cases that will be reviewed for possible resentencing under Penal Code section 1170(d). Please note that the categories of cases to be reviewed in the future have not yet been determined.

Due to the high volume of cases we are reviewing, we are not able to respond to your resentencing inquiries. Rest assured, the incarcerated individual will be contacted should we decide to move forward with resentencing.

Please keep in mind that contacting our office to provide unsolicited information regarding a particular individual or to ask for an update is not helpful and, in fact, severely detracts from our ability to review these cases in a fair, orderly and expeditious manner.

[For Resentencing Policy FAQs, click here.](#)

To request a sentence review, [please click here for the form.](#)

EXHIBIT 6



SENTENCE REVIEW REQUEST FORM

Mail to: Los Angeles County District Attorney's Office
Resentencing Unit
320 W. Temple St. Suite 540
Los Angeles, CA 90012
Email to: RU@da.lacounty.gov

Claim No. _____
(To be supplied by the DA's office)

1. Convicted person's name: _____
2. Convicted person's date of birth (MM/DD/YYYY): _____
3. Is the convicted person incarcerated? Yes ☐ No ☐
4. If presently incarcerated, please provide the following information:
 - a. CDCR Number: _____
 - b. Prison where incarcerated: _____
 - c. Cell Location: _____
 - d. P.O. Box: _____
 - e. City, State, Zip: _____
5. Name and location of the court where the person was convicted and sentenced:

6. Los Angeles County Superior Court Case Number: _____
7. Provide the Penal Code section of the crime(s) the person was convicted of:

8. Date convicted: _____

9. Date sentenced: _____

10. Sentence received: _____

11. Age of the person at the time of commitment to prison: _____

12. Current security level: _____

13. Expected release date: _____

14. Current Classification Score: _____

15. List all serious rules violations in past five years:

16. If still incarcerated, please list any educational or rehabilitative programs engaged in while incarcerated:

17. Please provide a statement regarding why you believe resentencing is appropriate and what type of sentence is being sought.

18. Is the conviction currently being challenged in court? If so, please provide information regarding the pending litigation. Yes ☐ No ☐

19. If this request is being submitted by someone other than the person convicted, please state your relationship to the person convicted:

20. If this request is being submitted by someone other than the person convicted, have you obtained the written consent of the person convicted to file this request? If, so please provide written consent.

Yes ☐ No ☐

21. Please provide your name, address, phone number and email address so that we may contact you:

Date: _____

Signature of Claimant

Type / Handwrite name

Once this questionnaire is received by the Los Angeles County District Attorney's Office, you will be contacted and informed of the status of your request.

Please retain all original documentary evidence for your records.

EXHIBIT 7



Operations

Resentencing

Re-Sentencia

Resentencing Policy FAQs

Preguntas y Respuestas sobre
Normas de Re-Sentencia

Public Integrity

Opioid Complaint Form

Conviction Integrity Unit

Human Trafficking

Sexually Violent Predator Unit

Elder Abuse

Environmental Crimes

Alternative Sentencing Courts

Resentencing Policy FAQs

SEARCH

En Español

Resentencing Policy FAQs (updated on March 6, 2024)

This FAQ page provides additional information about the District Attorney's resentencing policy set forth in [Special Directive 22-05](#), issued in 2022.

In April of 2021, District Attorney George Gascón established a Resentencing Unit (RU) to implement contemporary resentencing laws and policies to address over-incarceration. The RU evaluates sentences that meet certain criteria, referred to as a "tier," and does not accept resentencing requests from outside sources other than the California Department of Corrections and Rehabilitation (CDCR). Please note that the tier of cases being reviewed was recently updated to include robberies without a weapon and residential burglaries with no one present.

To determine if a case qualifies for review by the RU, or if a request for resentencing can be made to other units within the District Attorney's Office, please review the questions and answers below for more information.

► What is the District Attorney's prosecution-initiated resentencing policy?

▼ Is the District Attorney's Office reviewing cases for possible resentencing?

Yes.

It is estimated that as many as 20,000 cases may qualify for possible resentencing under the District Attorney's resentencing policy. Because of the large number of cases eligible for consideration, the RU was established. The RU is responsible for implementing a fair, orderly, and efficient process for evaluating cases for resentencing.

Although the District Attorney may recommend an individual be resentenced, a judge ultimately decides whether to grant or deny such a request.

► Will certain cases be given priority by the Resentencing Unit?

▼ Can I request that the District Attorney consider a case for resentencing if I am not in the tier of cases being prioritized by the RU?

Yes.

The incarcerated individual, or their counsel, can write to the Head Deputy of the Division or Branch responsible for prosecuting the case within the District Attorney's Office and request to be resentenced. The written request should include an explanation of why the person believes they should be resentenced, provide all mitigating circumstances, and proof of all programs or other rehabilitation experiences they have participated in while incarcerated. If the incarcerated individual has not already served 10 years in custody, has a high classification or CSRA/CRA score, or has been disciplined for serious rules violation in the past three years, resentencing consideration is unlikely.

To view the office's organizational chart, please click [here](#).

To view the office directory, please click [here](#).

► Will I know if a case is being considered for resentencing?

► Will victims be notified if a case is being considered for resentencing?

► What should I do if I fall within the tier of cases being prioritized for review by the RU?

► Will victims be notified if a case is being considered for resentencing?

► Does the District Attorney decide whether or not a person will be resentenced?

▼ Do I need a lawyer for resentencing consideration?

The RU works closely with public defenders and nonprofit organizations to ensure that every person the RU recommends for resentencing has access to free legal services. Individuals, however, are always free to hire their own lawyer.

For cases that fall outside of the tier the RU evaluates, the court will appoint an attorney if the matter is referred to the court for resentencing unless the individual is already represented.

► Will the District Attorney's Office provide additional information about its resentencing process?

EXHIBIT 8

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): Erin Joyce, Esq. ERIN JOYCE LAW, PC. 117 E. Colorado Boulevard, Suite 465, Pasadena, CA, 91105 TELEPHONE NO.: (623) 314-9050 FAX NO.: (626) 210-4825 E-MAIL ADDRESS: erin@erinjoycelaw.com ATTORNEY FOR (Name): Aaron Spolin	FOR COURT USE ONLY
NAME OF COURT: THE STATE BAR COURT OF CALIFORNIA STREET ADDRESS: 845 S. Figueroa St., 3rd Fl., MAILING ADDRESS: 845 S. Figueroa St., 3rd Fl., CITY AND ZIP CODE: Los Angeles, CA 90017 BRANCH NAME: The Hearing Department, Courtroom C	
PLAINTIFF/ PETITIONER: the OCTC DEFENDANT/ RESPONDENT: Aaron Spolin	
CIVIL SUBPOENA (DUCES TECUM) for Personal Appearance and Production of Documents, Electronically Stored Information, and Things at Trial or Hearing and DECLARATION	

 CASE NUMBER:
 SBC-24-O-30656-DGS

THE PEOPLE OF THE STATE OF CALIFORNIA, TO (name, address, and telephone number of witness, if known):
 Custodian of Records at Los Angeles County District Attorney's Office, 211 West Temple Street, Suite 1200 Los Angeles, CA 90012

1. **YOU ARE ORDERED TO APPEAR AS A WITNESS** in this action at the date, time, and place shown in the box below **UNLESS** your appearance is excused as indicated in box 3b below or you make an agreement with the person named in item 4 below.

a. Date:	Time:	<input type="checkbox"/> Dept.:	<input type="checkbox"/> Div.:	<input type="checkbox"/> Room:
b. Address:				

2. **IF YOU HAVE BEEN SERVED WITH THIS SUBPOENA AS A CUSTODIAN OF CONSUMER OR EMPLOYEE RECORDS UNDER CODE OF CIVIL PROCEDURE SECTION 1985.3 OR 1985.6 AND A MOTION TO QUASH OR AN OBJECTION HAS BEEN SERVED ON YOU, A COURT ORDER OR AGREEMENT OF THE PARTIES, WITNESSES, AND CONSUMER OR EMPLOYEE AFFECTED MUST BE OBTAINED BEFORE YOU ARE REQUIRED TO PRODUCE CONSUMER OR EMPLOYEE RECORDS.**
3. **YOU ARE** (item a or b must be checked):
- a. ☐ Ordered to appear in person and to produce the records described in the declaration on page two or the attached declaration or affidavit. The personal attendance of the custodian or other qualified witness and the production of the original records are required by this subpoena. The procedure authorized by Evidence Code sections 1560(b), 1561, and 1562 will not be deemed sufficient compliance with this subpoena.
- b. ☒ Not required to appear in person if you produce (i) the records described in the declaration on page two or the attached declaration or affidavit and (ii) a completed declaration of custodian of records in compliance with Evidence Code sections 1560, 1561, 1562, and 1271. (1) Place a copy of the records in an envelope (or other wrapper). Enclose the original declaration of the custodian with the records. Seal the envelope. (2) Attach a copy of this subpoena to the envelope or write on the envelope the case name and number; your name; and the date, time, and place from item 1 in the box above. (3) Place this first envelope in an outer envelope, seal it, and mail it to the clerk of the court at the address in item 1. (4) Mail a copy of your declaration to the attorney or party listed at the top of this form.
4. **IF YOU HAVE ANY QUESTIONS ABOUT THE TIME OR DATE YOU ARE TO APPEAR, OR IF YOU WANT TO BE CERTAIN THAT YOUR PRESENCE IS REQUIRED, CONTACT THE FOLLOWING PERSON BEFORE THE DATE ON WHICH YOU ARE TO APPEAR:**
- a. Name of subpoenaing party or attorney: Erin Joyce Esq. b. Telephone number: (623) 314-9050
5. **Witness Fees:** You are entitled to witness fees and mileage actually traveled both ways, as provided by law, if you request them at the time of service. You may request them before your scheduled appearance from the person named in item 4.

DISOBEDIENCE OF THIS SUBPOENA MAY BE PUNISHED AS CONTEMPT BY THIS COURT. YOU WILL ALSO BE LIABLE FOR THE SUM OF FIVE HUNDRED DOLLARS AND ALL DAMAGES RESULTING FROM YOUR FAILURE TO OBEY.

Date issued:

 (TYPE OR PRINT NAME)


 (SIGNATURE OF PERSON ISSUING SUBPOENA)

 (TITLE)

(Declaration in support of subpoena on reverse)

Page 1 of 3

PLAINTIFF/PETITIONER: the OCTC DEFENDANT/RESPONDENT: Aaron Spolin	CASE NUMBER: SBC-24-O-30656-DGS
--	------------------------------------

The production of the documents, electronically stored information, or other things sought by the subpoena on page one is supported by (check one):

☒ the attached affidavit or ☐ the following declaration:

DECLARATION IN SUPPORT OF CIVIL SUBPOENA (DUCES TECUM) FOR PERSONAL APPEARANCE AND PRODUCTION OF DOCUMENTS, ELECTRONICALLY STORED INFORMATION, AND THINGS AT TRIAL OR HEARING
(Code Civ. Proc., §§ 1985, 1987.5)

- I, the undersigned, declare I am the ☐ plaintiff ☐ defendant ☐ petitioner ☐ respondent
☐ attorney for (specify): ☐ other (specify):
in the above-entitled action.
- The witness has possession or control of the documents, electronically stored information, or other things listed below, and shall produce them at the time and place specified in the Civil Subpoena for Personal Appearance and Production of Records at Trial or Hearing on page one of this form (specify the exact documents or other things to be produce; if electronically stored information is demanded, the form or forms in which each type of information is to be produced may be specified):

☐ Continued on Attachment 2.

- Good cause exists for the production of the documents, electronically stored information, or other things described in paragraph 2 for the following reasons:

☐ Continued on Attachment 3.

- The documents, electronically stored information, or other things described in paragraph 2 are material to the issues involved in this case for the following reasons:

☐ Continued on Attachment 4.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date:

		
(TYPE OR PRINT NAME)		(SIGNATURE OF <input type="checkbox"/> SUBPOENAING PARTY <input type="checkbox"/> ATTORNEY FOR SUBPOENAING PARTY)

Request for Accommodations

Assistive listening systems, computer-assisted real-time captioning, or sign language interpreter services are available if you ask at least five days before the date on which you are to appear. Contact the clerk's office or go to www.courts.ca.gov/forms for Request for Accommodations by Persons With Disabilities and Response (form MC-410). (Civil Code, § 54.8.)



(Proof of service on page 3)

PLAINTIFF/PETITIONER: the OCTC DEFENDANT/RESPONDENT: Aaron Spolin	CASE NUMBER: SBC-24-O-30656-DGS
--	------------------------------------

PROOF OF SERVICE OF CIVIL SUBPOENA (DUCES TECUM) for Personal Appearance and Production of Documents, Electronically Stored Information, and Things at Trial or Hearing and DECLARATION

1. I served this *Civil Subpoena (Duces Tecum) for Personal Appearance and Production of Documents, Electronically Stored Information, and Things at Trial or Hearing and Declaration* by personally delivering a copy to the person served as follows:

- a. Person served (*name*):
- b. Address where served:

- c. Date of delivery:
- d. Time of delivery:
- e. Witness fees (*check one*):
 - (1) ☐ were offered or demanded and paid. Amount: \$ _____
 - (2) ☐ were not demanded or paid.
- f. Fee for service: \$ _____

2. I received this subpoena for service on (*date*):

3. Person serving:

- a. ☐ Not a registered California process server.
- b. ☐ California sheriff or marshal.
- c. ☐ Registered California process server.
- d. ☐ Employee or independent contractor of a registered California process server.
- e. ☐ Exempt from registration under Business and Professions Code section 22350(b).
- f. ☐ Registered professional photocopier.
- g. ☐ Exempt from registration under Business and Professions Code section 22451.
- h. Name, address, telephone number, and, if applicable, county of registration and number:

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date:



(SIGNATURE)

(For California sheriff or marshal use only)
I certify that the foregoing is true and correct.

Date:



(SIGNATURE)

SHORT TITLE:

In the Matter of Spolin

CASE NUMBER:

SBC-24-O-30656-DGS

ATTACHMENT (Number): _____

(This Attachment may be used with any Judicial Council form.)

Prior to the issuance of this subpoena, Respondent obtain the permission to issue such a subpoena from the California State Bar Court, by Order dated _____, 2024, In accordance with that order, the Respondent requests production of the following documents:

Any and all applications for re-sentencing by any incarcerated person, made by or to the Los Angeles District Attorney's Office, or to any employee, servant or contractor of the LADA, including but not limited to applications made under AB 2942, or Penal Code section 1172.1, made or provided by any person and in any form between September 30, 2018 and up until September 30, 2024; and

Any and all responses to any applications for re-sentencing by any incarcerated person, made by the Los Angeles District Attorney's Office, or any employee, servant, contractor or person employed by the LADA, including but not limited to applications made under AB 2942, or Penal Code section 1172.1, made or provided by any person and in any form between September 30, 2018 and up until September 30, 2024;

Any and all numerical records, statistics, summaries, tally sheets or other records maintained or in your possession, either digitally, electronically or in any other form, of the numbers of requests, petitions or pleas for re-sentencing between September 30, 2018 to September 30, 2024.

(If the item that this Attachment concerns is made under penalty of perjury, all statements in this Attachment are made under penalty of perjury.)

Page _____ of _____

(Add pages as required)

EXHIBIT 9

1. **YOU ARE ORDERED TO APPEAR AS A WITNESS** in this action at the date, time, and place shown in the box below **UNLESS** your appearance is excused as indicated in box 3b below or you make an agreement with the person named in item 4 below.

a. Date: _____ Time: _____ Dept.: _____ Div.: _____ Room: _____

b. Address: _____

2. **IF YOU HAVE BEEN SERVED WITH THIS SUBPOENA AS A CUSTODIAN OF CONSUMER OR EMPLOYEE RECORDS UNDER CODE OF CIVIL PROCEDURE SECTION 1985.3 OR 1985.6 AND A MOTION TO QUASH OR AN OBJECTION HAS BEEN SERVED ON YOU, A COURT ORDER OR AGREEMENT OF THE PARTIES, WITNESSES, AND CONSUMER OR EMPLOYEE AFFECTED MUST BE OBTAINED BEFORE YOU ARE REQUIRED TO PRODUCE CONSUMER OR EMPLOYEE RECORDS.**
3. **YOU ARE** *(item a or b must be checked)*:
 - a. ☐ Ordered to appear in person and to produce the records described in the declaration on page two or the attached declaration or affidavit. The personal attendance of the custodian or other qualified witness and the production of the original records are required by this subpoena. The procedure authorized by Evidence Code sections 1560(b), 1561, and 1562 will not be deemed sufficient compliance with this subpoena.
 - b. ☒ Not required to appear in person if you produce (i) the records described in the declaration on page two or the attached declaration or affidavit and (ii) a completed declaration of custodian of records in compliance with Evidence Code sections 1560, 1561, 1562, and 1271. (1) Place a copy of the records in an envelope (or other wrapper). Enclose the original declaration of the custodian with the records. Seal the envelope. (2) Attach a copy of this subpoena to the envelope or write on the envelope the case name and number; your name; and the date, time, and place from item 1 in the box above. (3) Place this first envelope in an outer envelope, seal it, and mail it to the clerk of the court at the address in item 1. (4) Mail a copy of your declaration to the attorney or party listed at the top of this form.
4. **IF YOU HAVE ANY QUESTIONS ABOUT THE TIME OR DATE YOU ARE TO APPEAR, OR IF YOU WANT TO BE CERTAIN THAT YOUR PRESENCE IS REQUIRED, CONTACT THE FOLLOWING PERSON BEFORE THE DATE ON WHICH YOU ARE TO APPEAR:**
 - a. Name of subpoenaing party or attorney: Erin Joyce Esq.
 - b. Telephone number: (623) 314-9050
5. **Witness Fees:** You are entitled to witness fees and mileage actually traveled both ways, as provided by law, if you request them at the time of service. You may request them before your scheduled appearance from the person named in item 4.

DISOBEDIENCE OF THIS SUBPOENA MAY BE PUNISHED AS CONTEMPT BY THIS COURT. YOU WILL ALSO BE LIABLE FOR THE SUM OF FIVE HUNDRED DOLLARS AND ALL DAMAGES RESULTING FROM YOUR FAILURE TO OBEY.

Date issued:

(TYPE OR PRINT NAME)

(SIGNATURE OF PERSON ISSUING SUBPOENA)

(TITLE)

(Declaration in support of subpoena on reverse)

Page 1 of 3

**CIVIL SUBPOENA (DUCES TECUM) for Personal Appearance and
Production of Documents, Electronically Stored Information, and Things at
Trial or Hearing and DECLARATION**

PLAINTIFF/PETITIONER: the OCTC DEFENDANT/RESPONDENT: Aaron Spolin	CASE NUMBER: SBC-24-O-30656-DGS
--	------------------------------------

The production of the documents, electronically stored information, or other things sought by the subpoena on page one is supported by (check one):

☒ the attached affidavit or ☐ the following declaration:

DECLARATION IN SUPPORT OF CIVIL SUBPOENA (DUCES TECUM) FOR PERSONAL APPEARANCE AND PRODUCTION OF DOCUMENTS, ELECTRONICALLY STORED INFORMATION, AND THINGS AT TRIAL OR HEARING
(Code Civ. Proc., §§ 1985, 1987.5)

- I, the undersigned, declare I am the ☐ plaintiff ☐ defendant ☐ petitioner ☐ respondent
☐ attorney for (specify): ☐ other (specify):
in the above-entitled action.
- The witness has possession or control of the documents, electronically stored information, or other things listed below, and shall produce them at the time and place specified in the Civil Subpoena for Personal Appearance and Production of Records at Trial or Hearing on page one of this form (specify the exact documents or other things to be produce; if electronically stored information is demanded, the form or forms in which each type of information is to be produced may be specified):

☐ Continued on Attachment 2.

- Good cause exists for the production of the documents, electronically stored information, or other things described in paragraph 2 for the following reasons:

☐ Continued on Attachment 3.

- The documents, electronically stored information, or other things described in paragraph 2 are material to the issues involved in this case for the following reasons:

☐ Continued on Attachment 4.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date:

		
(TYPE OR PRINT NAME)		(SIGNATURE OF <input type="checkbox"/> SUBPOENAING PARTY <input type="checkbox"/> ATTORNEY FOR SUBPOENAING PARTY)

Request for Accommodations

Assistive listening systems, computer-assisted real-time captioning, or sign language interpreter services are available if you ask at least five days before the date on which you are to appear. Contact the clerk's office or go to www.courts.ca.gov/forms for Request for Accommodations by Persons With Disabilities and Response (form MC-410). (Civil Code, § 54.8.)



(Proof of service on page 3)

PLAINTIFF/PETITIONER: the OCTC DEFENDANT/RESPONDENT: Aaron Spolin	CASE NUMBER: SBC-24-O-30656-DGS
--	------------------------------------

PROOF OF SERVICE OF CIVIL SUBPOENA (DUCES TECUM) for Personal Appearance and Production of Documents, Electronically Stored Information, and Things at Trial or Hearing and DECLARATION

1. I served this *Civil Subpoena (Duces Tecum) for Personal Appearance and Production of Documents, Electronically Stored Information, and Things at Trial or Hearing and Declaration* by personally delivering a copy to the person served as follows:

- a. Person served (*name*):
- b. Address where served:

- c. Date of delivery:
- d. Time of delivery:
- e. Witness fees (*check one*):
 - (1) ☐ were offered or demanded and paid. Amount: \$ _____
 - (2) ☐ were not demanded or paid.
- f. Fee for service: \$ _____

2. I received this subpoena for service on (*date*):

3. Person serving:

- a. ☐ Not a registered California process server.
- b. ☐ California sheriff or marshal.
- c. ☐ Registered California process server.
- d. ☐ Employee or independent contractor of a registered California process server.
- e. ☐ Exempt from registration under Business and Professions Code section 22350(b).
- f. ☐ Registered professional photocopier.
- g. ☐ Exempt from registration under Business and Professions Code section 22451.
- h. Name, address, telephone number, and, if applicable, county of registration and number:

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date:


(SIGNATURE)

(For California sheriff or marshal use only)
I certify that the foregoing is true and correct.

Date:


(SIGNATURE)

SHORT TITLE: In the Matter of Spolin	CASE NUMBER: SBC-24-O-30656-DGS
---	------------------------------------

ATTACHMENT (Number): _____

(This Attachment may be used with any Judicial Council form.)

Prior to the issuance of this subpoena, Respondent obtain the permission to issue such a subpoena from the California State Bar Court, by Order dated _____, 2024, In accordance with that order, the Respondent requests production of the following documents:

Any and all applications for re-sentencing by any incarcerated person, made by or to the Orange County District Attorney's Office, or to any employee, servant or contractor of the OCDA, including but not limited to applications made under AB 2942, or Penal Code section 1172.1, made or provided by any person and in any form between September 30, 2018 and up until September 30, 2024; and

Any and all responses to any applications for re-sentencing by any incarcerated person, made by the Orange County District Attorney's Office, or any employee, servant, contractor or person employed by the OCDA, including but not limited to applications made under AB 2942, or Penal Code section 1172.1, made or provided by any person and in any form between September 30, 2018 and up until September 30, 2024;

Any and all numerical records, statistics, summaries, tally sheets or other records maintained or in your possession, either digitally, electronically or in any other form, of the numbers of requests, petitions or pleas for re-sentencing between September 30, 2018 to September 30, 2024.

(If the item that this Attachment concerns is made under penalty of perjury, all statements in this Attachment are made under penalty of perjury.)

Page _____ of _____

(Add pages as required)

EXHIBIT 10

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): Erin Joyce, Esq. ERIN JOYCE LAW, PC. 117 E. Colorado Boulevard, Suite 465, Pasadena, CA, 91105 TELEPHONE NO.: (623) 314-9050 FAX NO.: (626) 210-4825 E-MAIL ADDRESS: erin@erinjoycelaw.com ATTORNEY FOR (Name): Aaron Spolin	FOR COURT USE ONLY CASE NUMBER: SBC-24-O-30656-DGS
NAME OF COURT: THE STATE BAR COURT OF CALIFORNIA STREET ADDRESS: 845 S. Figueroa St., 3rd Fl., MAILING ADDRESS: 845 S. Figueroa St., 3rd Fl., CITY AND ZIP CODE: Los Angeles, CA 90017 BRANCH NAME: The Hearing Department, Courtroom C	
PLAINTIFF/ PETITIONER: the OCTC DEFENDANT/ RESPONDENT: Aaron Spolin	
CIVIL SUBPOENA (DUCES TECUM) for Personal Appearance and Production of Documents, Electronically Stored Information, and Things at Trial or Hearing and DECLARATION	

THE PEOPLE OF THE STATE OF CALIFORNIA, TO (name, address, and telephone number of witness, if known):
 California Department of Corrections and Rehabilitation's Office of Legal Affairs, 1515 S. Street Sacramento, CA 95811, South Bldg.

1. **YOU ARE ORDERED TO APPEAR AS A WITNESS** in this action at the date, time, and place shown in the box below **UNLESS** your appearance is excused as indicated in box 3b below or you make an agreement with the person named in item 4 below.

a. Date:	Time:	<input type="checkbox"/> Dept.:	<input type="checkbox"/> Div.:	<input type="checkbox"/> Room:
b. Address:				

2. **IF YOU HAVE BEEN SERVED WITH THIS SUBPOENA AS A CUSTODIAN OF CONSUMER OR EMPLOYEE RECORDS UNDER CODE OF CIVIL PROCEDURE SECTION 1985.3 OR 1985.6 AND A MOTION TO QUASH OR AN OBJECTION HAS BEEN SERVED ON YOU, A COURT ORDER OR AGREEMENT OF THE PARTIES, WITNESSES, AND CONSUMER OR EMPLOYEE AFFECTED MUST BE OBTAINED BEFORE YOU ARE REQUIRED TO PRODUCE CONSUMER OR EMPLOYEE RECORDS.**
3. **YOU ARE** (item a or b must be checked):
- a. ☐ Ordered to appear in person and to produce the records described in the declaration on page two or the attached declaration or affidavit. The personal attendance of the custodian or other qualified witness and the production of the original records are required by this subpoena. The procedure authorized by Evidence Code sections 1560(b), 1561, and 1562 will not be deemed sufficient compliance with this subpoena.
- b. ☒ Not required to appear in person if you produce (i) the records described in the declaration on page two or the attached declaration or affidavit and (ii) a completed declaration of custodian of records in compliance with Evidence Code sections 1560, 1561, 1562, and 1271. (1) Place a copy of the records in an envelope (or other wrapper). Enclose the original declaration of the custodian with the records. Seal the envelope. (2) Attach a copy of this subpoena to the envelope or write on the envelope the case name and number; your name; and the date, time, and place from item 1 in the box above. (3) Place this first envelope in an outer envelope, seal it, and mail it to the clerk of the court at the address in item 1. (4) Mail a copy of your declaration to the attorney or party listed at the top of this form.
4. **IF YOU HAVE ANY QUESTIONS ABOUT THE TIME OR DATE YOU ARE TO APPEAR, OR IF YOU WANT TO BE CERTAIN THAT YOUR PRESENCE IS REQUIRED, CONTACT THE FOLLOWING PERSON BEFORE THE DATE ON WHICH YOU ARE TO APPEAR:**
- a. Name of subpoenaing party or attorney: Erin Joyce Esq. b. Telephone number: (623) 314-9050
5. **Witness Fees:** You are entitled to witness fees and mileage actually traveled both ways, as provided by law, if you request them at the time of service. You may request them before your scheduled appearance from the person named in item 4.

DISOBEDIENCE OF THIS SUBPOENA MAY BE PUNISHED AS CONTEMPT BY THIS COURT. YOU WILL ALSO BE LIABLE FOR THE SUM OF FIVE HUNDRED DOLLARS AND ALL DAMAGES RESULTING FROM YOUR FAILURE TO OBEY.

Date issued:

 (TYPE OR PRINT NAME)



 (SIGNATURE OF PERSON ISSUING SUBPOENA)

 (TITLE)

(Declaration in support of subpoena on reverse)

Page 1 of 3

PLAINTIFF/PETITIONER: the OCTC DEFENDANT/RESPONDENT: Aaron Spolin	CASE NUMBER: SBC-24-O-30656-DGS
--	------------------------------------

The production of the documents, electronically stored information, or other things sought by the subpoena on page one is supported by (check one):

☒ the attached affidavit or ☐ the following declaration:

DECLARATION IN SUPPORT OF CIVIL SUBPOENA (DUCES TECUM) FOR PERSONAL APPEARANCE AND PRODUCTION OF DOCUMENTS, ELECTRONICALLY STORED INFORMATION, AND THINGS AT TRIAL OR HEARING
(Code Civ. Proc., §§ 1985, 1987.5)

- I, the undersigned, declare I am the ☐ plaintiff ☐ defendant ☐ petitioner ☐ respondent
☐ attorney for (specify): ☐ other (specify):
in the above-entitled action.
- The witness has possession or control of the documents, electronically stored information, or other things listed below, and shall produce them at the time and place specified in the Civil Subpoena for Personal Appearance and Production of Records at Trial or Hearing on page one of this form (specify the exact documents or other things to be produce; if electronically stored information is demanded, the form or forms in which each type of information is to be produced may be specified):

☐ Continued on Attachment 2.

- Good cause exists for the production of the documents, electronically stored information, or other things described in paragraph 2 for the following reasons:

☐ Continued on Attachment 3.

- The documents, electronically stored information, or other things described in paragraph 2 are material to the issues involved in this case for the following reasons:

☐ Continued on Attachment 4.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date:

		
(TYPE OR PRINT NAME)		(SIGNATURE OF <input type="checkbox"/> SUBPOENAING PARTY <input type="checkbox"/> ATTORNEY FOR SUBPOENAING PARTY)

Request for Accommodations

Assistive listening systems, computer-assisted real-time captioning, or sign language interpreter services are available if you ask at least five days before the date on which you are to appear. Contact the clerk's office or go to www.courts.ca.gov/forms for Request for Accommodations by Persons With Disabilities and Response (form MC-410). (Civil Code, § 54.8.)



(Proof of service on page 3)

PLAINTIFF/PETITIONER: the OCTC DEFENDANT/RESPONDENT: Aaron Spolin	CASE NUMBER: SBC-24-O-30656-DGS
--	------------------------------------

PROOF OF SERVICE OF CIVIL SUBPOENA (DUCES TECUM) for Personal Appearance and Production of Documents, Electronically Stored Information, and Things at Trial or Hearing and DECLARATION

1. I served this *Civil Subpoena (Duces Tecum) for Personal Appearance and Production of Documents, Electronically Stored Information, and Things at Trial or Hearing and Declaration* by personally delivering a copy to the person served as follows:

a. Person served (*name*):

b. Address where served:

c. Date of delivery:

d. Time of delivery:

e. Witness fees (*check one*):

(1) ☐ were offered or demanded and paid. Amount: \$ _____

(2) ☐ were not demanded or paid.

f. Fee for service: \$ _____

2. I received this subpoena for service on (*date*):

3. Person serving:

a. ☐ Not a registered California process server.

b. ☐ California sheriff or marshal.

c. ☐ Registered California process server.

d. ☐ Employee or independent contractor of a registered California process server.

e. ☐ Exempt from registration under Business and Professions Code section 22350(b).

f. ☐ Registered professional copier.

g. ☐ Exempt from registration under Business and Professions Code section 22451.

h. Name, address, telephone number, and, if applicable, county of registration and number:

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date:



(SIGNATURE)

(For California sheriff or marshal use only)
I certify that the foregoing is true and correct.

Date:



(SIGNATURE)

SHORT TITLE:

In the Matter of Spolin

CASE NUMBER:

SBC-24-O-30656-DGS

ATTACHMENT (Number): _____

(This Attachment may be used with any Judicial Council form.)

Prior to the issuance of this subpoena, Respondent obtain the permission to issue such a subpoena from the California State Bar Court, by Order dated _____, 2024, In accordance with that order, the Respondent requests production of the following documents:

Any and all applications for re-sentencing by any incarcerated person, made to or by the California Department of Corrections and Rehabilitation (CDCR), or to any employee, servant or contractor of the CDCR, including but not limited to applications made under AB 2942, or Penal Code section 1172.1, made or provided by any person and in any form between September 30, 2018 and up until September 30, 2024; and

Any and all responses to any applications for re-sentencing by any incarcerated person, made by the California Department of Corrections and Rehabilitation, or any employee, servant, contractor or person employed by the CDCR, including but not limited to applications made under AB 2942, or Penal Code section 1172.1, made or provided by any person and in any form between September 30, 2018 and up until September 30, 2024;

Any and all numerical records, statistics, summaries, tally sheets or other records maintained or in your possession, either digitally, electronically or in any other form, of the numbers of requests, petitions or pleas for re-sentencing of any person incarcerated in the State of California between September 30, 2018 to September 30, 2024.

(If the item that this Attachment concerns is made under penalty of perjury, all statements in this Attachment are made under penalty of perjury.)

Page _____ of _____

(Add pages as required)

EXHIBIT 11



LOS ANGELES COUNTY DISTRICT ATTORNEY'S OFFICE ETHICS & INTEGRITY OPERATIONS

GEORGE GASCÓN • District Attorney
JOSEPH F. INIGUEZ • Chief Deputy District Attorney
JAMES W. GARRISON • Assistant District Attorney

VIA ELECTRONIC MAIL

Lieser@kaplanmarino.com

October 10, 2024

Jennifer Lieser
Kaplan Marino

Dear Ms. Lieser,

California Public Records Act Request Response

The Los Angeles County District Attorney's Office (LADA) is in receipt of your California Public Records Act (PRA) request, received October 2, 2024 requesting:

1. *All AB 2942/Penal Code section 1170(d)(1) requests/petitions for recommendation of resentencing submitted to and maintained by the Los Angeles District Attorney's Office (LADA) from September 30, 2018 to present.*
2. *All LADA responses to AB 2942/Penal Code section 1170(d)(1) requests/petitions for recommendation of resentencing made from September 30, 2018 to present.*

LADA does not maintain records of all requests for resentencing nor of all responses to such requests. Public agencies are not required to *create* records in response to PRA requests. (See *American Civil Liberties Union v. Deukmejian* (1982) 32 Cal.3d 440.)

Very truly yours,

GEORGE GASCÓN
District Attorney

By: *Kathryn Albracht*

Kathryn Albracht, DDA
Special Assistant
Ethics & Integrity Operations
kalbrach@da.lacounty.gov

Hall of Justice
211 West Temple Street, Suite 1200
Los Angeles, CA 90012
(213) 974-3500

EXHIBIT 12



OFFICE OF THE
DISTRICT ATTORNEY
ORANGE COUNTY, CALIFORNIA

TODD SPITZER

By Electronic Mail Only

Jennifer Lieser
Kaplan Marino Law
(Lieser@kaplanmarino.com)

October 21, 2024

Dear Ms. Lieser:

In compliance with Government Code § 7922.535, this letter addresses your California Public Records Act request, clarified as of October 11, 2024, directed to the Office of the Orange County District Attorney.

Your request presents unusual circumstances due to our need to consult with another component of our agency having substantial subject matter interest therein. Accordingly, per Government Code § 7922.535(c)(3), we are notifying you we require additional time to respond to your request. You may expect our initial response on or before November 4, 2024.

Upon completion of our collection, search, and examination of potentially responsive records, if any, we will notify you and make any identified non-exempt records responsive to your request available to you in the reasonable course of business.

This is a status notice only. No further action is required on your part at this time.

Sincerely,

Wayne Philips

WAYNE PHILIPS
Public Records Counsel

REPLY TO: ORANGE COUNTY DISTRICT ATTORNEY'S OFFICE

WEB PAGE: <http://orangecountyda.org/>

☒ MAIN OFFICE
300 N. FLOWER ST.
SANTA ANA, CA 92703
PO. BOX 808 (92702)
(714) 834-3600

☐ NORTH OFFICE
1275 N. BERKELEY AVE.
FULLERTON, CA 92832
(714) 773-4480

☐ WEST OFFICE
8141 13TH STREET
WESTMINSTER, CA 92683
(714) 896-7261

☐ HARBOR OFFICE
4601 JAMBOREE RD.
NEWPORT BEACH, CA 92660
(949) 476-4650

☐ JUVENILE OFFICE
341 CITY DRIVE SOUTH
ORANGE, CA 92668
(714) 935-7624

☐ CENTRAL OFFICE
300 N. FLOWER ST.
SANTA ANA, CA 92703
PO. BOX 808 (92702)
(714) 834-3952



OFFICE OF THE
DISTRICT ATTORNEY
ORANGE COUNTY, CALIFORNIA

TODD SPITZER

By Electronic Mail Only to:

Jennifer Lieser
Kaplan Marino Law
(Lieser@kaplanmarino.com)

October 28, 2024

Dear Ms. Lieser:

In compliance with Government Code § 7922.535, this letter addresses your California Public Records Act (PRA) request clarified as of October 11, 2024. We extended our time to respond to November 4, 2024. This letter is our formal response to your request for records; our response is made within the statutory timeframe.

Your verbatim request is set out below; our response follows.

Request:

Pursuant to the California PRA, please produce the following:

1. All AB 2942/Penal Code section 1170(d)(1) requests/petitions for recommendation of resentencing submitted to and maintained by the Orange County District Attorney's Office (OCDA) from September 30, 2018 to present.
2. All OCDA responses to AB 2942/Penal Code section 1170(d)(1) requests/petitions for recommendation of resentencing made from September 30, 2018 to present.

We clarified your request as follows:

Felony resentencing records from September 18, 2018, to date under PC 1170(d)(1), recodified at 1170.03, and currently codified at PC 1172.1.

Specifically:

- Requests for resentencing recommendations;
- Resentencing recommendations (sometimes "petitions for resentencing" or the like);
- Responses to resentencing recommendations/petitions, specifically including opposition and agreements.

Response:

As to your request for “**Requests for Resentencing Recommendations**”:

Unless filed, requests for resentencing recommendations become part of the Orange County District Attorney’s (OCDA’s) investigative file for the matter for which resentencing is sought. Records of investigatory files, compiled by a local police agency for law enforcement purposes, are exempt from disclosure under the PRA. Government Code § 7923.600. This section applies to law enforcement investigatory files and records, including district attorney case files, and continues to apply even if the investigation is closed. See, *Rackauckas v. Superior Court* (2002) 104 Cal.App.4th 150; *Rivera v. Superior Court* (1997) 54 Cal.App.4th 1048; *Williams v. Superior Court* (1993) 5 Cal.4th 337.

As to your request for actual resentencing recommendations and responses thereto, these records are customarily filed with the Orange County Superior Court and thereby become part of the public record. Such records are in the possession, custody, and control of the Superior Court; however, if OCDA has a conformed copy of a responsive record; then, OCDA may be obliged to release it.

However, “[a] clearly framed request which requires an agency to search an enormous volume of data for a ‘needle in the haystack’ or, conversely a request which compels the production of a huge volume of material may be objectionable as unduly burdensome.” *California First Amendment Coal. v. Superior Court* (1998) 67 Cal.App.4th 159. Moreover, a request should reflect the public interest in obtaining disclosable records and its interest in ensuring its law enforcement resources are efficiently dedicated to public protection.

OCDA files approximately 14,000 felony cases per year; consequently, your request implicates approximately 85,000 cases. Unfortunately, our Case Management System does not collect data that would enable OCDA to identify each specific case in which resentencing pleadings consistent with your request were filed.

Consequently, in order to identify potentially responsive pleadings, an OCDA employee would be obliged to go through each potentially responsive felony case by hand. Calculating that an employee could search five (5) cases per hour; then, this project would take approximately 17,000 hours, or 8.5 years for a single employee to accomplish. In light of the foregoing, OCDA objects to your request because it is unduly burdensome to complete.

However, OCDA has been able to identify about 400 felony cases that reference resentencing. We are in the process of examining these case files to learn whether each case contains pleadings responsive to your request. To date, we know that some of these case files do contain responsive pleadings and we have begun to marshal these responsive documents.

Even for 400 cases, it will take some time to locate and marshal responsive documents. Therefore, OCDA intends to produce documents on a rolling basis until we have completed this process for reasonably identifiable case files. You should expect a first tranche of records on or about November 15, 2024.

Please finally note that the OCDA generally claims for its records, such as might exist, all disclosure exemptions applicable under the California Public Records Act. In maintaining the lawful confidentiality of our records, the OCDA claims, enforces, and applies all applicable exemptions, privileges, and proscriptions against public disclosure or records, including but not limited to, those listed in Article 2 of Government Code, Title 1, Division 10, Chapter 3, the California Evidence and Penal Codes, and the Federal Rules of Evidence.

While we set forth our reasons for our response, we reserve the right to present additional theories and authority for or against disclosure in the future.

Sincerely,

Wayne Philips

WAYNE PHILIPS
Public Records Counsel

EXHIBIT 13

Message History (2)

✉ On 10/2/2024 3:33:58 PM, CDCR Public Records wrote:



California Department of Corrections and Rehabilitation

RE: PUBLIC RECORDS ACT REQUEST of 10/2/2024, Reference # C019747-100224

Dear Partner, Attorney Jennifer Lieser,

Thank you for your interest in public records of the California Department of Corrections and Rehabilitation (CDCR). Your request has been received and is being processed in accordance with the California Public Records Act, Government Code section 7920.000 et seq. Your request was received on October 02, 2024 and given the reference number C019747-100224 for tracking purposes.

Records Requested: **1. All AB 2942/Penal Code section 1170(d)(1) requests/petitions for recommendation of resentencing submitted to and maintained by CDCR from September 30, 2018 to present.**

2. All maintained responses to AB 2942/Penal Code section 1170(d)(1) requests/petitions for recommendation of resentencing made from September 30, 2018 to present.

Your request will be forwarded to the relevant CDCR department(s) to locate the information you seek and to determine the volume and any costs that may be associated with satisfying your request. You will be contacted about the availability and/or provided with copies of the records in question. PLEASE NOTE: The California Public Records Act does not require a governmental body to create new information, to do legal research, or to answer questions.

You can monitor the progress of your request at the link below and you'll receive an email when your request has been completed.

CA Department of Corrections and Rehabilitation

STATE OF CALIFORNIA, COUNTY OF LOS ANGELES

On October 31, 2024, I served the foregoing document described as (1) RESPONDENT AARON SPOLIN'S MOTION FOR LEAVE TO SERVE DISCOVERY SUBPOENAS PURSUANT TO RULE OF PROCEDURE OF THE STATE BAR OF CALIFORNIA 5.61; (2) MEMORANDUM OF POINTS AND AUTHORITIES; (3) DECLARATION OF ERIN JOYCE, ESQ. IN SUPPORT THEREOF [FILED CONCURRENTLY HEREWITH] on the interested parties in this action by providing a true and correct copy as follows:

The State Bar Court
Hon. Dennis G. Saab
Courtroom C
Hearing Department – Los Angeles
845 S. Figueroa Street, 3rd Floor
Los Angeles, CA 90017
CtroomC@statebarcourt.ca.gov

[] BY FIRST-CLASS MAIL (C.C.P. §1013(a) *et seq.*): I placed each such sealed envelope, with postage thereon fully prepaid for first-class mail, in the United States mail *or* for collection and mailing at the Law Office of Erin Joyce, following ordinary business practices. I am readily familiar with the practice of the Law Office of Erin Joyce for collection and processing of mail, said practice being that in the ordinary course of business, mail is deposited in the United States Postal Service on the same day as it is placed for collection.

I declare under penalty of perjury under the laws of the State of California that the above is true and correct. Executed on October 31, 2024, at Pasadena, California.

Debra L. Vien
Debra L. Vien

**(1) RESPONDENT AARON SPOLIN’S MOTION FOR LEAVE TO SERVE DISCOVERY SUBPOENAS
PURSUANT TO RULE OF PROCEDURE OF THE STATE BAR OF CALIFORNIA 5.61;
(2) MEMORANDUM OF POINTS AND AUTHORITIES;
(3) DECLARATION OF ERIN JOYCE, ESQ. IN SUPPORT THEREOF**



LOS ANGELES COUNTY DISTRICT ATTORNEY'S OFFICE
BUREAU OF BRANCH & AREA OPERATIONS, REGION 2
COMPTON BRANCH OFFICE

GEORGE GASCÓN • District Attorney
SHARON L. WOO • Chief Deputy District Attorney
JAMES W. GARRISON • Assistant District Attorney

RONALD GELTZ • Director
Region II



FILED

Jan 27 2026

THE BOARD of DISCIPLINARY APPEALS
Appointed by the Supreme Court of Texas

October 26, 2022

Aaron Spolin
Jeremy Cutcher
11500 W. Olympic Blvd Ste. 400
Los Angeles, CA 90064

Re: People v [REDACTED], [REDACTED]

Counsel,

Thank you for your recent resentencing request in the case of People v [REDACTED], [REDACTED]. Your request was forwarded to me because I am the Assistant Head Deputy for the Community Violence Reduction Division of the Los Angeles County District Attorney's Office. May Chung is my immediate supervisor and I am responsible for supervising the gang prosecutions in Compton, Norwalk, Long Beach, Airport, Inglewood, Pomona, Torrance, Van Nuys, and San Fernando. In the future, please forward your post-conviction resentencing requests to me if it involves a case coming from the aforementioned jurisdictions.

As usual, you have provided a strong packet of mitigation on the behalf of your client. I am happy to meet with you to discuss resentencing in this case. Please suggest a date and time that we could meet to discuss in person or via Zoom/Teams. Please see if you can get the C-file for Mr. [REDACTED] so that I can review his disciplinary record while in prison. It certainly looks like he has done a good job while in prison, but I would need to see his C-file in order to make a recommendation in this matter. Let me know your availability and I look forward to hearing from you soon.

Yours truly,

George Gascon
District Attorney

By [REDACTED]
[REDACTED]

200 W COMPTON BOULEVARD RM 700

COMPTON CA 90220

(310) 603-7483

Fax: (310) 603-0493



FILED

Jan 27 2026

THE BOARD of DISCIPLINARY APPEALS
Appointed by the Supreme Court of Texas

CONFORMED COPY
ORIGINAL FILED
Superior Court of California
County of Los Angeles

JUN 04 2024

David W. Slayton, Executive Officer/Clerk of Court

GEORGE GASCÓN
District Attorney of Los Angeles County
ROBERT GRACE (State Bar No. 134328)
211 West Temple Street, Suite 100
Los Angeles, CA 90012
(213) 257-2010

SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF LOS ANGELES
GOVERNOR GEORGE DEUKMEJIAN COURTHOUSE

THE PEOPLE OF THE STATE OF CALIFORNIA,

No. NA [REDACTED] 3

Plaintiff,

v.

STIPULATION AND ORDER TO
RECALL AND RESENTENCE

R [REDACTED]
(P.C. § 1172.1)

R [REDACTED]
CDCR No. V [REDACTED]

Date:
Time:
Dept:

Defendant.

TO: THE HONORABLE JUDGE
DEPARTMENT

SUMMARY

Pursuant to California Penal Code section 1172.1, the People agree to a resentencing of the defendant R [REDACTED] O [REDACTED] (hereinafter O [REDACTED]) in the above-entitled case. After conferring with the attorneys of Spolin & Dukes, PC, Counsels for O [REDACTED] both parties stipulate to recall O [REDACTED]'s sentence and resentence O [REDACTED]. The parties offer the following stipulation and respectfully request that the court (1) accept the stipulation; (2) sign the incorporated order; and (3) recall and resentence O [REDACTED] accordingly.

1 O [REDACTED] waives presence for resentencing pursuant to Penal Code section 977 and
2 requests to attend any resentencing hearing remotely.

3
4 **RECALL AND RESENTENCE STIPULATION AND AGREEMENT**

5 The District Attorney moves to set aside defendant C [REDACTED]'s sentence pursuant to Penal
6 Code section 1172.1 to effect the following agreement (All further references to the Penal Code
7 will be abbreviated "PC"):

8 Defendant agrees to forgo his right to a full resentencing under PC 1172.1(a) and enters
9 into a negotiated new stipulated sentence, as described herein.

10 Pursuant to Penal Code section 1172.1(a)(8)(A), the parties hereby stipulate and agree
11 resentencing may be granted without a hearing. Similarly, O [REDACTED] waives any right to be
12 present under state and federal constitutional grounds. C [REDACTED] gives up his right to appeal any
13 sentence stipulated herein. The parties stipulate to recalling the previously imposed sentence of
14 the term of life imprisonment with the possibility of parole, plus a consecutive 25-years-to-life
15 enhancement pursuant to Penal Code section 12022.53, subdivision (d), and sentence O [REDACTED]
16 to a new total term of life with the possibility of parole plus 20 years consecutive, as follows:

17
18 Ct 1 – Attempted Murder (PC 664-187(a))

- 19 • Life with the possibility of parole
20 • An additional term of 20 years under 12022.53(c).

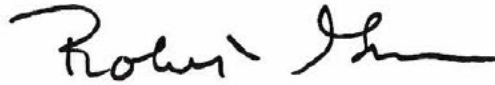
21
22 **TOTAL TERM – Life with the possibility of parole plus 20 years.**

23 Therefore, the parties hereby stipulate and agree that R [REDACTED] O [REDACTED], CDCR No.
24 V [REDACTED] shall have his previously imposed sentence recalled and that he shall be resentenced to
25 state prison for life with the possibility of parole plus twenty years consecutive on NA [REDACTED] B.

26 O [REDACTED] shall have all previously earned credits applied. This order is effective
27 immediately.
28

1
2 IT IS SO STIPULATED:

3
4 Dated: _____

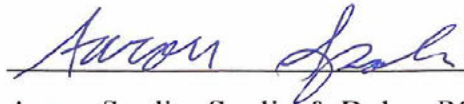


Robert Grace, Deputy District Attorney

5
6 Dated: _____



7
8
9 Dated: 6/4/24



Aaron Spolin, Spolin & Dukes PC, for
Ruben Ochoa

10
11
12 IT IS SO ORDERED:

13
14 Dated: _____

15
16 JUDGE OF THE SUPERIOR COURT



FILED

Jan 27 2026

THE BOARD of DISCIPLINARY APPEALS
Appointed by the Supreme Court of Texas

PEOPLE OF MI V [REDACTED] B [REDACTED] [REDACTED]

COA [REDACTED] 25

MSC [REDACTED] 50

Lower Court/Tribunal

SAGINAW CIRCUIT COURT

Judge(s)

TRICE MANVEL

Docket

Case Documents

Case Information

Case Header



COA Court Of Appeals



MSC Michigan Supreme Court

Case Number



COA # [REDACTED] 25



MSC # [REDACTED] 50

Case Status

MSC Closed

COA Case Concluded; File Archived

All Courts

Court of Appeals

Michigan Supreme Court

Parties & Attorneys to the Case – Court of Appeals

1

PEOPLE OF MI

Plaintiff - Appellee

Attorney(s)

BABCOCK RUSSELL C

#57662, Prosecutor

2

BARNES RODERICK DEWAYNE JR

Defendant - Appellant

Attorney(s)

AMBROSE RONALD D

Parties & Attorneys to the Case – Supreme Court

1

PEOPLE OF MI

Plaintiff

Attorney(s)

Russell C. Babcock, Ass't Pros

#57662

2

B [REDACTED]

Defendant

Attorney(s)

[REDACTED] B [REDACTED] [REDACTED] 94

[REDACTED] 94

Collapse All

Expand All

04/14/2022	1 Claim of Appeal - Criminal
01/24/2022	2 Order Appealed From
03/14/2022	6 Steno Certificate - Tr Request Received
03/14/2022	7 Notice Of Filing Transcript
03/14/2022	8 Steno Certificate - Tr Request Received
03/28/2022	9 Other
03/28/2022	10 Other
04/04/2022	11 Notice Of Filing Transcript
04/14/2022	3 Transcript Ordered By Trial Court
04/14/2022	4 Rejected E-Filing
04/25/2022	12 LCt Pleading - Post-Judgmen
04/25/2022	13 Correspondence Sent
06/14/2022	14 Transcript Requested By Atty Or Party
07/13/2022	16 Invol Dismissal Warning - No Steno Cert

07/13/2022	17 Steno Certificate - Tr Request Received
08/05/2022	18 Notice Of Filing Post-Judgment Transcript
10/07/2022	20 Correspondence Received
10/17/2022	21 Notice Of Filing Post-Judgment Transcript
11/07/2022	23 Correspondence Received
11/07/2022	24 Correspondence Received
11/18/2022	25 Notice Of Filing Post-Judgment Transcript
02/14/2023	27 LCt Order - Post Judgment
02/16/2023	28 Post-Judgment Motion Concluded
03/06/2023	29 Motion: Abeyance
03/21/2023	31 Submitted on Administrative Motion Docket
03/24/2023	32 Order: Abeyance - Motion - Grant
05/16/2023	33 Transcript Requested By Atty Or Party
05/26/2023	34 Notice Of Filing Transcript
06/28/2023	35 Brief: Appellant
06/28/2023	36 Presentence Investigation Report or Other Confidential Material
06/29/2023	37 Telephone Contact
07/11/2023	38 Stipulation: Extend Time - AE Brief
07/17/2023	39 Abeyance Concluded
08/28/2023	40 Brief: Appellee
08/30/2023	41 Noticed
09/08/2023	42 Record Filed
09/19/2023	44 Brief: Standard 4
09/27/2023	45 Brief: Supplemental Brief - AE
12/14/2023	46 Electronic Record - Scanned by COA
02/05/2024	55 Request for Remote Oral Argument
02/22/2024	56 Email Contact

02/22/2024	57 Case Call Update For Panel
03/05/2024	54 Submitted on Case Call
03/05/2024	58 Oral Argument Audio
03/28/2024	59 Opinion - Per Curiam - Unpublished
04/18/2024	60 Motion: Reconsideration of Opinion
04/30/2024	61 Submitted on Reconsideration Docket
05/07/2024	62 Order: Reconsideration - Deny - Appeal Remains Closed
06/24/2024	63 Other
06/24/2024	64 Application for Leave to SCt
06/27/2024	65 Supreme Court: SCt Notice Letter Sent
10/28/2024	66 Supreme Court Order: Deny Application/Complain
12/16/2024	67 File Closed-Out