

**FILED**  
Clerk of the Superior Court

APR 03 2023

By: A. Cabrales

**IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA  
IN AND FOR THE COUNTY OF SAN DIEGO**

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

**GENERAL ORDER OF THE  
PRESIDING DEPARTMENT  
ORDER NO. 040323-31A**

THE COURT FINDS AND ORDERS AS FOLLOWS:

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

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

It is hereby ORDERED as follows:

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

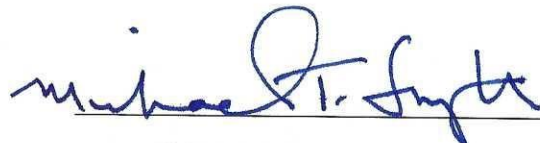
1 1172.6 (formerly Penal Code section 1170.95), or the PPD has been appointed for that  
2 purpose, the court hereby authorizes the disclosure of probation reports by this court, the  
3 San Diego County Probation Department, the San Diego County District Attorney's  
4 Office, the California Attorney General's Office, and the California Department of  
5 Corrections, to the PPD for the purpose solely of investigating whether a particular  
6 defendant may be entitled to such relief.

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

21 This order shall become effective immediately and expires on December 31, 2023,  
22 unless otherwise ordered by this court. General Order 010123-31 is hereby rescinded.

23  
24 IT IS SO ORDERED.

25  
26 DATED: April 3, 2023



27 HON. MICHAEL T. SMYTH  
28 PRESIDING JUDGE