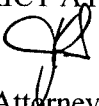


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SPECIAL DIRECTIVE – 07-03

TO: ALL DEPUTY DISTRICT ATTORNEYS

FROM: JOHN K. SPILLANE 
Chief Deputy District Attorney

SUBJECT: DEFENSE ATTORNEY REQUEST FOR CASE REVIEW

DATE: APRIL 20, 2007

THIS SPECIAL DIRECTIVE SUPERSEDES SPECIAL DIRECTIVE 06.05.

This Special Directive sets forth the appeal policy for attorneys representing defendants or minors whose cases are being prosecuted by the District Attorney's Office. One of the most important responsibilities of a supervisor within this office is the duty to meet and confer with defense counsel concerning cases that fall within the supervisor's jurisdiction. If a defense attorney disagrees with the assigned prosecutor's proposed disposition of a case, the defense attorney has the right to discuss the case disposition with the prosecutor's supervisor. An appeal by defense counsel to a proposed disposition on a filed case shall be made according to the following policy:

An appeal in a juvenile, misdemeanor, or felony case may be made through the chain-of-command to the head deputy of the office in which the case is being prosecuted. After this process has been followed, and if no resolution has been reached, upon written application, an appeal on *any* case may be made to the appropriate bureau director. The bureau director may meet with defense counsel to review the matter. The decision to meet with defense counsel is at the discretion of the bureau director and should only occur after a discussion of the case with the head deputy. The bureau director may confer with the appropriate assistant district attorney concerning the merits of the defense counsel's appeal before reaching a final decision in the matter.

Defense counsel who wish to discuss a potential disposition on a pending matter should be referred to the appropriate supervisor for a meeting to discuss the case. In accordance with this policy, a defense attorney shall have the opportunity to meet with the assigned supervisor in person to discuss the case. A decision on an appeal should be carefully made and should take into consideration the assessment of the assigned prosecuting attorney and any other supervisors who may have previously reviewed the case. The views of law enforcement and victims, if applicable, should also be considered. The preferred practice is for the head deputy or bureau director to meet defense counsel in the presence of the assigned prosecuting attorney handling the case and any intermediate supervisor who took part in the decision being appealed.

The policy of the District Attorney's Office for requests by defense counsel for an informal hearing before a charging decision has been made remains the same. (See Legal Policies Manual 6.02.)

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