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HEAD DEPUTY

HARVEY C. SHERMAN  
DEPUTY-IN-CHARGE

CONFIDENTIAL – Attorney-Client Privilege

October 22, 2012

Bernard Smith  
R.J. Donovan Correctional Facility  
P.O. Box 799001  
San Diego, CA 92179-9001

P40024

Re: *People v. Bernard Smith*, NA037383-01

Dear Mr. Smith:

Proposition 36 on the November 6, 2012 ballot will present the voters of California with the opportunity to modify the Three Strikes law. If the voters approve this proposition, a number of Third Strike inmates will be eligible for sentence modification.

Our records show that you are currently serving a Three Strikes sentence. If your committing offense and your prior strikes fall within the criteria of Proposition 36, you may be eligible for resentencing to a fixed term as though you had only one prior strike. If the proposition passes, resentencing will depend on two factors: (1) your conviction or priors do not exclude you; and (2) the court does not find you to be dangerous to society. The District Attorney may seek to have the petition denied under some circumstances.

Proposition 36 creates a special petition to request resentencing, but does not provide for appointed counsel to assist you. However, because the Public Defender represented you in the trial court, we are prepared to request sentencing relief for you. You are under no obligation to accept our assistance. You may choose to hire a lawyer to assist you or you may choose to act on your own behalf.

If the reform passes in November, we want to be ready to file a petition on your behalf at the earliest possible date. If you want the Public Defender to file a petition for you, we will need your consent and some information as soon as possible.

Please return the enclosed Authorization/Questionnaire, signed and dated, IMMEDIATELY.

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Mail the Authorization/Questionnaire to:

Los Angeles County Public Defender  
Public Integrity Assurance Section  
3<sup>rd</sup> Strike Review  
312 South Hill Street, 3<sup>rd</sup> Floor  
Los Angeles, CA 90013

Do-It-Yourself petitions may be circulating in your prison. Please do not file anything with the Court if you wish to have the Public Defender assist you. Filing multiple petitions causes confusion and will result in slowing down the process. Please **do not** send any documents to anyone except the Public Defender.

If you plan to ask family and friends to vote on Proposition 36, they will need to register to vote at least 15 days before the election on November 6, 2012 in their home county.

Please respond as soon as you are able.

Sincerely,



Harvey Sherman  
Deputy-in-Charge  
Public Integrity Assurance Section

**CONFIDENTIAL – Attorney-Client Privilege**

### Authorization

I, Bernard Smith, authorize the Los Angeles County Public Defender to represent me and to file a Petition for Recall of Sentence on my behalf if Proposition 36 is approved on November 6, 2012.

October 26th, 2012

Date

Bernard Smith

Signature

### Questionnaire

Date of Birth June 26th, 1962

CDCR # P40024

#### For present offense:

Los Angeles County Superior Court Case No.: NA037383-01

Date of Sentencing: May 1999 Sentence length: 25 YEARS-TO-LIFE

List the offense(s) for which you received this sentence:

1. POSSESSION OF NARCOTICS

4. \_\_\_\_\_

2. \_\_\_\_\_

5. \_\_\_\_\_

3. \_\_\_\_\_

6. \_\_\_\_\_

#### For priors:

List case number, year of conviction, and all offense(s) for which you were convicted. Check box to identify strikes.

1. \_\_\_\_\_, 1981-Robbery

7. \_\_\_\_\_

2. \_\_\_\_\_, 1983-Robbery

8. \_\_\_\_\_

3. \_\_\_\_\_

9. \_\_\_\_\_

4. \_\_\_\_\_

10. \_\_\_\_\_

5. \_\_\_\_\_

11. \_\_\_\_\_

6. \_\_\_\_\_

12. \_\_\_\_\_

Use back of paper if necessary.