

FILED  
KERN COUNTY  
SUPERIOR COURT

APR 26 2021

BY  DEPUTY

SUPERIOR COURT OF THE STATE OF CALIFORNIA  
IN AND FOR THE COUNTY OF KERN

**IN RE: ACCESS TO PREVIOUSLY  
FILED REPORTS IN CRIMINAL  
CASES BY COUNSEL OF RECORD**

MISCELLANEOUS NO.: STO-21-0004

THE COURT HEREBY FINDS AND ORDERS AS FOLLOWS:

This order is issued under the authority of California Rules of Court, rule 10.603(a)(1)(B), which authorizes the presiding judge to establish policies and allocate resources in a manner which "promotes access to justice for all members of the public, provides a forum for the fair and expeditious resolution of disputes, maximizes the use of judicial and other resources, increases efficiency in court operations, and enhances service to the public." (CRC, Rule 10.603(a)(1)).

There are various circumstances when a defendant has a right to request resentencing, request that prior serious felony enhancements be stricken, and/or petition the Court for the issuance of a certificate of rehabilitation. Prior to a hearing on such matters, counsel for the parties must review court file(s), including any


1 reports previously filed by the probation officer or psychologist. Although such reports  
2 are sealed 60 days after judgment is pronounced, they may be inspected and copied  
3 by "any person authorized or required by law to inspect or receive copies of the  
4 report." (Penal Code § 1203.05(d)).

5 To increase judicial efficiency with respect to such requests or petitions the  
6 Court now orders:

- 7 1. When a proper request has been filed in this court, the attorney for each  
8 party is deemed authorized by law, pursuant to Penal Code §  
9 1203.05(d), to inspect and receive a copy of any probation report(s) or  
10 mental health report(s) pertaining to the petitioner.
- 11 2. Upon receipt of a proper request, and without further order of the court,  
12 the clerk of the court shall provide to the petitioner's attorney of record  
13 and to the Office of the Kern County District Attorney, copies of any  
14 probation report(s) or mental health report(s) pertaining to the petitioner.
- 15 3. The reports received by counsel pursuant to this order shall not be  
16 released to the public absent further order of the court.
- 17 4. Standard court costs and fees for the production of documents will apply.

18  
19 THIS ORDER IS EFFECTIVE APRIL <sup>26</sup>~~22~~, 2021.

20  
21 Dated: April 26, 2021.

22  
23   
24 Colette Humphrey, Presiding Judge  
25 Kern County Superior Court