

RESENTENCING RESOURCES FOR LWOP

PRO PER RESENTENCING GUIDES:

- [Paths to Release for People Incarcerated in California - Ella Baker](#)
- [1st District Appellate Project: Current Issues in Sentencing and Resentencing–April 2024](#)
- [Info Sheet on Resentencing - From 2021. Likely partially out of date.](#)
- [Prison Law office new laws - resentencing letter/materials](#)
- [CCWP/Writing Warriors Resentencing information](#)

Juveniles serving LWOP or the “functional equivalent”:

- *People v. Heard* (2022) 83 Cal.App.5th 608
- [OSPDP Outline on Heard Petitions](#)
- [PLO](#): LWOP & Lengthy Prison Sentences for Juveniles
- [1170\(d\)\(1\)](#)--under 18 and sentenced to LWOP, after 15 years can petition for resentencing
 - [1170\(d\)\(10\)](#)--under 18, already petitioned, can petition again at 20 years
- *People v. Superior Court (Valdez)*; E084222; 2/10/25; C/A 4th, Div. 2
 - **ELIGIBILITY FOR YOP AT SENTENCING: SENTENCE NOT FUNCTIONAL EQUIVALENT OF LWOP:** PC 1170(d)(1) allows juveniles sentenced to life without parole (LWOP) to petition for resentencing. In *Heard* (83 CA5th 608), the court held that to deny juvenile offenders sentenced to the functional equivalent of LWOP (FLWOP; try saying that out loud) the same opportunity violates equal protection. *Sorto*, 104 CA5th 435, and *Bagsby*, 106 CA5th 1040, agreed with *Heard*. But what happens when a juvenile originally sentenced to LWOP, who was already resentenced pursuant to PC 1170(d)(1), applies for resentencing under *Heard* claiming his new sentence constitutes FLWOP? This C/A keeps implying that they think *Heard* and its progeny are wrong, but all they really hold is because such a defendant was entitled to youth offender parole at the time of his (new) sentencing, that sentence didn't actually constitute FLWOP and therefore *Heard* relief doesn't apply. The C/A applies that rule to this defendant, who therefore loses.
- Other helpful links? [Email from HRW](#)

PENAL CODE 1172.1:

- [Ella Baker Resentencing Guide](#)
- [AB 600 Explanation](#) - This is done by a for profit law firm but still includes useful info
- [Judge Couzens Bench Guide on 1172.1](#)

RACIAL JUSTICE ACT:

- [RJA notes and resources](#)
- [PLO](#): RJA, updated April 2024
- [OSPDP](#): relevant cases published as of 2/11/25

SB1437/PENAL CODE 1172.6–FELONY MURDER:

BOARD OF PAROLE:

- [Franklin Hearing Explanation](#) - This is also done by a for profit law firm but has useful info. (Be careful with this law office)
- [FMEP Statement](#) on *People v. Hardin*

LEGISLATIVE EFFORTS:

- [SB300](#)—would have allowed for discretion to impose a sentence of 25-years-to-life rather than death or LWOP when the judge rules that it serves the interest of justice in a case where a special circumstance is charged—specifically looking at those charged with felony murder specials.
- SB94
 - [Drop LWOP statement](#)
- First Supplement to Memorandum 2021-06 [Extreme Sentences and High-Profile Enhancements](#) Panelist Materials

USEFUL ARTICLES:

- The Sentencing Project: [No Exit: The Expanding Use of Life Sentences in America](#), Ashley Nellis and Ryan S. King, July 2009
- The Sentencing Project: “[A Matter of Life: The Scope and Impact of Life and Long Term Imprisonment in the US](#),” by Ashley Nellis and Celeste Barry, Jan. 2025

PHYSICAL MAILING ADDRESSES:

The following groups may be able to mail physical resources but likely cannot help provide individual advice.

Ella Baker Center
1419 34th Ave, Suite 202,
Oakland, CA 94601

University of San Francisco School of Law, Racial Justice Clinic
Attention: USF Racial Justice Clinic
2130 Fulton Street, KN211
San Francisco, CA 94117-1080

Prison Law Office?

Uncommon Law?