

OFFICE OF THE DISTRICT ATTORNEY
County of San Luis Obispo



MEMORANDUM

TO: Victims in the case of People v Rodney Jarmin & Tammy Jordan
FROM: Dan Dow, District Attorney
DATE: February 17, 2016
RE: Case Update; Court of Appeal Issues Writ of Mandate and Order

On August 24, 2015, defendant's Jarmin and Jordan filed a petition with the Court of Appeal seeking a writ of mandate requiring the San Luis Obispo County Superior Court to vacate its prior order on July 22nd that set aside defendants' misdemeanor pleas and reinstated felony charges against the defendants.

On the evening of Thursday, February 11, 2016, after considering a series of letter briefs filed by all parties (the People and the defendants) since August 24, 2015, the Court of Appeal issued an *Alternative Writ of Mandate and Order* in this case. The document provides the trial court with two alternative options to choose from:

- Alternative (a) is for the Superior Court to vacate its Order from July 22, 2015 that set aside the previously entered no contest pleas to 7 misdemeanor fraud counts, and reinstated the felony charges against the defendants.
- Alternative (b) requires the Superior Court to respond in writing to the Court of Appeal if the trial court chooses not to follow option 1.

Should the trial court choose alternative (a), a sentencing date will be scheduled as well as a restitution hearing to determine restitution. In accordance with the original plea, if the determined restitution amount exceeds \$107,200 the defendants will be given an opportunity to withdraw their no contest pleas, the felony counts would be reinstated, and the case would be returned to trial posture.

If the Superior Court chooses alternative (a), they must advise the Court of Appeal on or before March 3, 2016. If the Superior Court chooses alternative (b), the District Attorney's Office will be required to submit a written brief (return) with the Court of Appeal on or before March 17, 2016.

Our office will continue to keep you informed as to the status of the case, what alternative the Superior Court elects, and at what date and time any future hearing is set.