

FELONY CONVICTION

Submitted by Mark Harmon – Santa Barbara

April 1, 2010

A question has come up regarding a person who pleads no contest to a felony conviction as part of a post-plea agreement in order to then enter a diversion program such as Prop 36. As part of the post-plea agreement upon successful completion of the program the felony charge is then dismissed. In our criminal case management system it will list the felony charge as NOLO but it will also show that the charge was later dismissed pursuant to PC 1210.1.

Would you consider this person eligible to serve?

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| 1 | Peggy Yost | Ventura County we would allow them to serve. If they were successful with diversion, they wouldn't have the conviction |
| 2 | Diana Gifford Tuggle | We allow them to serve after completing Prop 36 as the matter is no longer a felony. |
| 3 | Elizabeth Renteria | Contra Costa would also allow the juror to serve according to CCP 203(a)(5). |
| 4 | Frances Johnson | Los Angeles, this person would be eligible to serve |
| 5 | Lupe Castaneda | Santa Clara County we allow them to serve as long as they are not convicted of a felony |
| 6 | Diane Collins | Mendocino County would allow this person to serve |
| 7 | Sherry Spears | Yes in Fresno |