

**SPOKANE COUNTY PROSECUTING ATTORNEY’S OFFICE’S
STANDARDS FOR PROSECUTORIAL DISCRETION TO
SEEK RESENTENCING – SENATE HOUSE BILL 6164**

Spokane County Prosecuting Attorney’s Office (“PA”) has developed criteria as to what will be reviewed and that will be used consistently in all requests.

- Two strike sex offense cases will not be reviewed.
- Three strike cases will not be reviewed.
- Aggravated First Degree Murder cases will not be reviewed.
- Class B and C felonies sentenced within the standard range will not generally be reviewed unless the sentence includes enhancements.
- Standard range sentences will rarely serve as a basis for a resentencing hearing.
- All other sentences are generally eligible for review if they meet the following requirements:
 - That the defendant has served 60% of the sentence.
 - That there is at least two years left on the sentence.
 - That there is some fact or circumstance that makes this case extraordinary such that SB 6164 is an appropriate remedy.
- That if a case gets to the review process, the defendant may be required to sign waivers for the State to get all prison records, if deemed necessary by this office.
- We will consider whether appropriate relief is also available in another venue.
- Victim input will be an important part of any final decision to petition the court.

With regard to procedure, an offender, whether unrepresented or through counsel, may write a letter containing the Cause Number, the charges they are serving their sentence on, and any other information that they feel would constitute a reason for PA to consider a resentencing hearing.

In addition, all requests are reviewed for the following:

1. The facts surrounding the incident(s).
2. The prosecutorial strength of the evidence.
3. The charge(s) on which guilt was determined by the Court/jury.
4. The sentence received.
5. The criminal conviction history.

After all the above-mentioned information is considered, and a decision is reached, the Defendant is sent a response letter.