



August 2025 News Alert

Dear Panel Members,

After 44 years of service as a judge, Presiding Justice Kathleen O’Leary retired on July 31, 2025. Associate Justice Joanne Motoike will serve as Acting Presiding Justice until a successor is appointed.

Presiding Justice O’Leary and Division Three’s associate justices visited ADI last year, to present the “What’s New in Division Three” MCLE. Sign in to the website to view the recording is available in the MCLE library.

To learn more about Justice O’Leary’s career, click below.

[Justice O’Leary’s Retirement Announcement](#)



Follow ADI’s LinkedIn page for newsworthy updates and bite-size educational material.



**Cases In Supreme Court Awaiting Remand for
Reconsideration or Dismissal in Light of
People v. Rhodius (June 26, 2025,S283169) __ Cal.5th __.**

There are many cases in the Supreme Court on a grant and hold basis under *Rhodius*. (Cal. Rules of Court, rule 8.512(d)(2).) Until *Rhodius* is final and the remittitur issues (typically 30 days after the opinion is filed, Cal. Rules of Court, rule 8.532), these cases will remain in the high court.

It has come to our attention that the Riverside District Attorney's office may be approaching our clients, through the prison counselors, to request permission to release the client's C-File to the DA's office. Release of the entire C-File may not be in the client's best interest.

It maybe helpful to affirmatively reach out to your clients and advise them not to grant such permission. If the District Attorney's Office needs the C-File to prepare for the Penal Code section 1172.75 resentencing hearing, they can request the information through the regular discovery process.

**Penal Code section 1172.75 appeals where client is serving a death
sentence in a case pending before the CSC.**

ADI has noticed that several defendants serving death sentences have current appeals in the CA Supreme Court and a Penal Code section 1172.75 appeal in the Court of Appeal.

To best coordinate with CAP-SF and counsel appointed for the death sentence appeal, please let Cindi Mishkin (cbm@adi-sandiego.com) know if you are appointed to the section 1172.75 appeal and the client is also serving a death sentence.

**Cornell Center on Death Penalty Worldwide Seeking
Gender Bias Case Information**

The Cornell Center on the Death Penalty Worldwide (Center) has reached out to ADI to learn of cases relevant to its work with the [Committee on](#)

Revision of the Penal Code. This work is exploring the possibility of a Gender Justice Act. (See Staff Memorandum 2025-07, pages 4-5.) To this end, the Center is looking for illustrative cases with women and gender diverse clients who have been convicted after trials infected by gender bias to share with the Committee. The Center would be grateful if you could alert it to any relevant cases where there may have been gender bias. For example:

1. Did prosecutor characterize women as hypersexual or sinful;
2. Did prosecutor argue that the woman was a bad wife or bad mother;
3. Did prosecutor present evidence of sex practices that are irrelevant to the crime;
4. Did prosecutor shift the blame to women defendants for prior experiences of sexual violence; or
5. Did prosecutor intentionally highlight gender nonconformity?

If you are willing to share any information about such cases, e.g., case name, or case number, or county of conviction, the Cornell Center would appreciate it.

Please respond to Cindi Mishkin: cbm@adi-sandiego.com



MCLE Opportunities

Balancing the Scales: Addressing Compassion Fatigue Through Prevention and Healing

September 25, 2025 from 12:00 – 1:00 p.m. | Remote

Hosted by: ADI

In this virtual program, ADI staff attorneys Christine Johnson and Laura Furness will discuss the definition of compassion fatigue and how it differs from “burnout.” As public interest attorneys, the work we do is heavy and it can impact our physical and mental health. This program will address various tools and techniques available to help recognize and heal from compassion fatigue.

1.0 hours of Wellness Competence MCLE credit will be offered.

[Registration Link](#)

Website Updates

Recent Updates to Legal Resources,
General Appellate Practice

[Motion Practice Guide \(rev. 2025\)](#)

Recent Updates to Forms & Samples

- HIPAA, CDCR Health Record Release Form
- Stay Appeal
- Proof of Service (Dependency)
- Understanding Your Appeal, Dependency
- Understanding Your Appeal, Dependency (Spanish)

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Our mailing address is:
Appellate Defenders, Inc. 555 W. Beech Street Suite 300 San Diego, CA
92101 USA

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