



VIOLENT CRIME INFORMATION CENTER
SEX OFFENDER TRACKING PROGRAM

P.O. Box 903387
SACRAMENTO, CA 94203-3870
(916) 227-3288
Facsimile (916) 227-4345

April 29, 2013

Jose Luis Diaz
[REDACTED]
[REDACTED]

RE: Reinstatement of Registration Requirement

Dear Mr. Diaz:

The letter you received from the California Department of Justice (DOJ) dated September 25, 2012, informing you that your requirement to register as a sex offender had been terminated, was sent to you in error. Upon further review by the DOJ legal staff, it was determined that the basis for this notification was a September 6, 2012, order from the Santa Clara Superior Court that purported to vacate your convictions. DOJ has since learned that the superior court did not have jurisdiction to issue that order. Because you were not in custody when you filed your habeas petition, the superior court's order was void and has no legal effect. (*People v. Picklesimer* (2010) 48 Cal.4th 330, 339 [once a person is no longer in actual or constructive custody, habeas review is foreclosed], citing *In re Stier* (3007) 152 Cal.App.4th 63, 81-83; see also *People v. Villa* (2009) 45 Cal.4th 1063 1069-10070; *People v. Mbaabu* (2-14-13), case number E055810, __Cal.App.4th__. Because the superior court's order has no legal effect, your convictions are still in place. Therefore, you are required to continue to register as a sex offender in California.

Please report to the law enforcement agency having jurisdiction over your residency within five working days of receipt of this letter, to ensure that you are meeting your registration requirements. Any questions concerning duty to register should be directed to your local registering agency.

If you have any questions concerning this letter, please contact the Sex Offender Tracking Program at (916) 227-3288.

Sincerely,

LINDA SCHWEIG, Program Manager
Sex Offender Tracking Program

For KAMALA D. HARRIS
Attorney General