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INFORMATION BULLETIN

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BRIAN JONES RECEIVES REDUCED SENTENCE DUE TO CHANGES IN THE LAW

Brian Jones was convicted of possession of methamphetamine for the purpose of sales in 2005 and 2010 and sentenced to prison each time. In 2016, he was again convicted of possession of methamphetamine for the purpose of sales. The court found “unusual circumstances” and granted him probation. He was also convicted of two “enhancements” under Health and Safety Code section 11370.2. This means that each prior conviction of possession for sales of methamphetamine could add 3 years per conviction to his sentence. Therefore, if he violated his probation, he was facing over 10 years in jail.

Mr. Jones did violate his probation. After his first violation of probation, he was reinstated on probation. However, in 2019, he was again arrested for possession of methamphetamine for the purpose of sales. That charge was reduced to a misdemeanor when he admitted that he violated his probation. The court terminated Mr. Jones’ probation and sentencing was set for August 9, 2019.

On January 1, 2018, Governor Jerry Brown signed Senate Bill 180 into law. That law changed the Health and Safety Code section 11370.2 enhancements to only apply when a drug dealer uses minors to aid in their drug dealing. For Mr. Jones, this means that his two three-year enhancements for his prior convictions no longer applied.

Sentencing was delayed from August 2019 until February 2020 due to Madera County court waiting for the California Supreme Court to decide whether the change in the law applied retroactively to people on probation. The California Supreme Court determined that it did. Therefore, on February 28, 2020, when the judge finally sentenced Mr. Jones on his violation of probation, he was only able to sentence him to 4 years and 8 months in county jail. Before the change in the law, Mr. Jones could have been sentenced to 10 years and 8 months in county jail. As of March 4, 2020, the Madera County Department of Corrections website indicates that Mr. Jones is already out of jail.

The change in Health and Safety Code section 11370.2 means that most people who are convicted of possession for sale of illegal narcotics who have prior convictions for the same crime no longer received longer sentences. The old law allowed judges to consider a drug dealer’s lengthy history of drug sales and give a longer sentence if it was justified. The change in the law removes the discretion of judges to give longer sentences in these types of cases. This also means that District Attorney’s Offices across the state can no longer pursue these lengthier sentences. The Madera County District Attorney’s Office continues to prosecute people who possess methamphetamine and other illegal narcotics for the purpose of sales to the extent that is allowed by law.