

RECENT WINS!

People v. Kevan Smith (H044392)
Panel attorney: Seth Flagsberg
Date: October 31, 2018

Appellant was convicted of two counts of stalking. Because they covered the same conduct, one of the counts needed to be dismissed. (Staff attorney Patrick McKenna)

People v. Angelo Henry (H044626)
Panel attorney: Caitlin Plummer
Date: October 29, 2018

In a published decision, the court held that signing a traffic citation under a false name can only be prosecuted under Vehicle Code section 40504, subdivision (b), not under Penal Code section 529, subdivision (a)(3), because the more specific statute preempted the general statute. (Staff attorney Patrick McKenna)

People v. Donald Rainey (H044608)
Panel attorney: Michael Allen
Date: October 26, 2018

There was insufficient evidence appellant embezzled property under a purchase contract when there was no contract. (Staff attorney Lori Quick)

Gerardo Madriz (H044665)
Panel attorney: Heather Mackay
Date: October 25, 2018

Appellant was convicted of murder. A key issue of fact was whether the defendant drove to work that day. Without being giving his *Miranda* warning, the police asked how he arrived at work. The prosecution conceded he was in custody but successfully argued it was admissible as a booking statement. The court of appeal reversed. This was not a routine booking question. (Staff attorney William Robinson)

People v. Francisco Bedolla (H044681)
Panel attorney: Nancy Brandt
Date: October 22, 2018

In a published decision, the court held that the special finding, that an occupant was present during a residential burglary under Penal Code section 667.5, subdivision (c)(21), does not apply to attempted residential burglary. (Staff attorney Jonathan Grossman)

People v. Freddy Carranza (H043377)
Panel attorney: Allen Weinberg
Date: October 19, 2018

The court was not authorized to issue a non-contact order of unlimited duration. The abstract of judgment needed to be corrected. And the matter was remanded so that the superior court could exercise its discretion whether to strike the firearms enhancement under Senate Bill No. 620. (Staff attorney William Robinson)

People v. Rickey Murray (H044508)
Panel attorney: Rachel Varnell
Date: October 15, 2018

The court remanded the matter so that the superior court could exercise its discretion whether to strike the firearms enhancement under Senate Bill No. 620, and the abstract of judgment was corrected to provide additional presentence credits. (Staff attorney William Robinson)

People v. Ocar Ayala (H044534)
Staff attorney: Paul Couenhoven
Date: October 10, 2018

Appellant was convicted of first degree murder. Under the facts, there was insufficient evidence of premeditation and deliberation.

Christine J. v. Superior Court (H04963)
Date: October 4, 2018

The juvenile court's decision to terminate reunification services was based on the disentitlement doctrine. The court granted an extraordinary writ because the doctrine did not apply. (SDAP was not involved in the matter)

People v. Francisco Medina (H044651)
Panel attorney: Michael Sampson
Date: October 3, 2018

The punishment for driving with a suspended license must be stayed because of the punishment for driving under the influence. Further, the abstract of judgment must be corrected to reflect the orally pronounced amount of a fee. (Staff attorney Patrick McKenna)

People v. Armando Guizar (H042370)

Panel attorney: Alexis Haller
Date: October 2, 2018

The \$10 theft fine under Penal Code section 1202.5 did not apply to attempted theft.
(Staff attorney William Robinson)

People v. Ravi Siugh (H045340)
Panel attorney: Michael Sampson
Date: September 26, 2018

The court remanded the matter so that the superior court could exercise its discretion whether to strike the firearms enhancement under Senate Bill No. 620. (Staff attorney Lori Quick)

In re Daniel M. (H045359)
Panel attorney: Leslie Barry for the minor
Date: September 17, 2018

The Department appealed an order terminating the minor's guardianship. Because he became an adult, the appeal was dismissed as moot. (Staff attorney Jonathan Grossman)

People v. Jose Villareal and Carlos Fletes (H038081)
Panel attorneys: Elaine Forrester and Randy Baker
Date: September 10, 2018

The court abused its discretion admitting case-specific hearsay through the gang experts, and this required reversal of the gang enhancements and some of the underlying charges. (Staff attorney Paul Couenhoven)

People v. Scott Sturk (H043453)
Staff attorney: Jonathan Grossman
Date: September 6, 2018

The punishment for kidnapping enhancements and some of the underlying offenses needed to be stayed under Penal Code section 654 in lieu of the punishment for the aggravated kidnapping crime.

Manuel Hernandez v. Superior Court (H046014)
Attorney: Avaninder Singh
Date: September 6, 2018

The punishment for a violation of probation was reversed because the court's sentencing decision was made according to the recommendation of a court intern without the judge exercising discretion. (SDAP was not involved in the matter)

People v. Randall Delacruz (H045116)

Panel attorney: Jill Kent

Date: September 5, 2018

The court erroneously denied a *Marsden* motion without holding a hearing. (Staff attorney Lori Quick)