

RECENT WINS!

People v. Han Hoang (H042876)

Staff attorney: Lori Quick

Date: April 27, 2018

The court remanded the matter so that the superior court can exercise its discretion whether to strike the firearms enhancement under Senate Bill No. 620.

People v. Moises Tejada (H044442)

Panel attorney: Lauren Dodge

Date: April 20, 2018

The matter was remanded to hold a Franklin hearing. (Staff attorney William Robinson)

People v. Billy Washington (H045208)

Panel attorney: Anna Dorn

Date: April 17, 2018

Appellant was convicted of receiving stolen property in 1988 for taking a motor scooter. The court denied his Proposition 47 petition because the crime would qualify under Penal Code section 496d, which was enacted after he was convicted. The court of appeal reversed. (Staff attorney Paul Couenhoven)

In re J.R. (H045040)

Panel attorneys: Jamie Moran for the father

Daniel Rooney for the minor

Date: April 17, 2018

The court agreed with father that remand is necessary to comply with the notice requirement of ICWA but found his argument, that the minor should have been placed with him, was forfeited. (Staff attorney Patrick McKenna)

People v. Andrew Rodriguez (H042931)

Panel attorney: Maureen Fox

Date: April 17, 2018

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

People v. Felix Villar (H043028)
Panel attorney: Carrie Kojimoto
Date: April 3, 2018

The gang allegations were reversed due to error admitting hearsay under *People v. Sanchez* (2016) 63 Cal.5th 665. (Staff attorney Jonathan Grossman)

People v. Barton Williams (H042903)
Panel attorney: Siri Shetty
Date: April 2, 2018

Appellant was sentenced to life under the three strikes law, the strikes being from Oregon. He argued the Oregon priors cannot be found to be strikes in California without adjudicating the facts of the prior conviction, which is forbidden under the Sixth Amendment. The court of appeal initially affirmed, but it granted rehearing when *People v. Gallardo* (2017) 4 Cal.5th 120 was decided. The court reversed the findings that the priors were strikes. (Staff attorney William Robinson)

People v. Andrew Butler (H044344)
Panel attorney: Stephen Bedrick
Date: March 28, 2018

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

People v. Miguel Ruiz (H044598)
Panel attorney: Sylvia Ronnau
Date: March 21, 2018

Proposition 47 applies to auto theft. (Staff attorney Jonathan Grossman)

People v. Luis Espinoza (H043052)
Staff attorney: Patrick McKenna
Date: March 20, 2018

The court remanded the matter so that the superior court can exercise its discretion whether to strike the firearms enhancement under Senate Bill No. 620.

People v. Jesus Ruelas (H042776)
Panel attorney: Randy Kravis
Date: March 14, 2018

The matter was remanded for the juvenile court to hold a transfer hearing under Proposition 57, and if the matter is transferred to adult court, it shall hold a Franklin hearing and exercise its discretion whether to strike the firearms enhancement under Senate Bill No. 620. (Staff attorney William Robinson)

People v. Marcus Casillas (H042131)
Panel attorney: Michelle Peterson
Date: March 12, 2018

The matter was remanded to hold a Franklin hearing and exercise its discretion whether to strike the firearms enhancement under Senate Bill No. 620. (Staff attorney William Robinson)

People v. Saul Garcia (H043647)
Panel attorney: Michelle Peterson
Date: March 8, 2018

The matter was remanded to hold a Franklin hearing. (Staff attorney William Robinson)

In re K.P. (H045170)
Panel attorney: Jamie Moran
Date: March 1, 2018

The juvenile court lacked the authority to appoint a non-parent to hold educational rights over the minor without divesting the parent of the educational rights. (Staff attorney Patrick McKenna)

In re Jaime Ayala (H045079)
Panel attorney: Laurie Wilmore
Date: February 21, 2018

Appellant was convicted of felony failure to appear with the intent to evade the judicial process for missing a certain court date. It was shown on habeas corpus trial counsel failed to present evidence that appellant arrived late, and he immediately made a new court date the same day. The court of appeal issued an order to show cause. (Staff attorney Lori Quick)

People v. Jared Henry (H043252)
Panel attorney: William Hassler
Date: February 21, 2018

Appellant was convicted of assault with a deadly weapon in count one, domestic violence in count two, driving under the influence with injury in count three, and driving with a 0.08

percent alcohol level or more with injury in count four. The punishment for count four must be stayed under Penal Code section 654. The punishment for count three must also be stayed because the injury occurred when appellant tried to batter the victim. (Staff attorney Jonathan Grossman)

People v. Guillen (H043189)

Panel attorney: Siri Shetty

Date: February 16, 2018

Appellant was convicted of several felonies and misdemeanors. The court of appeal agreed the misdemeanor charges were brought after the statute of limitations had expired, and they must be dismissed. (Staff attorney Jonathan Grossman)

People v. Marcus Casillas (H042131)

Panel attorney: Michelle Peterson

Date: February 14, 2018

The matter was remanded for a *Franklin* hearing. (Staff attorney William Robinson)

People v. Jose Sanchez (H042713)

Panel attorney: Ronald Boyer

Date: February 8, 2018

Appellant was convicted of assault with a firearm and making criminal threats. The jury also found he personally used a firearm. The punishment for making criminal threats must be stayed pursuant to Penal Code section 654. Further, the matter must be remanded for the court to exercise its discretion whether to strike the firearms enhancement under the new law. (Staff attorney Lori Quick)

People v. Emmanuel Baquiran (H044676)

Panel attorney: Kevin Lindsley

Date: January 19, 2018

A conviction for auto theft qualifies for resentencing under Proposition 47. (Staff attorney William Robinson)

People v. Saul Zabala (H043328)

Panel attorney: Gabriel Bassan

Date: January 11, 2018

The court of appeal agreed the prior drug trafficking enhancement must be stricken due to a change in the law. (Staff attorney Jonathan Grossman)

People v. Adalberto Aparicio (H043689)
Panel attorney: Hilda Scheib
Date: January 8, 2018

The court operations fee cannot be increased upon a violation of probation. Further, an emergency medical air transportation fee cannot be imposed for crimes committed before Government Code section 76000.10 was enacted. (Staff attorney Paul Couenhoven)