

RECENT WINS!

People v. Cody Sakoman (H043933)
Panel attorney: Hilda Scheib
Date: June 6, 2018

The trial court had an obligation to calculate presentence conduct credits. (Staff attorney Lori Quick)

People v. Rion Redko (H044104)
Panel attorney: Julie Caleca
Date: May 31, 2018

Appellant was serving a seven year sentence for a case from Santa Cruz County for petty theft with a prior conviction and a prior strike. He then entered a plea bargain in a Santa Clara County to serve no more than 32 months in that case. The court imposed a 16 month consecutive sentence. He then filed a Proposition 47 petition in Santa Cruz County and had the petty theft conviction reduced to a misdemeanor. Santa Clara County modified its sentence to be five years. The court of appeal agreed that pursuant to the plea bargain, the sentence could be no longer than 32 months. (Staff attorney Lori Quick)

People v. Juan Salazar (H041724)
Panel attorney: Shannon Chase
Date: May 31, 2018

The punishment for the gang crime must be stayed in lieu of the punishment for the gang enhancement. The court also remanded the matter so that the superior court can exercise its discretion whether to strike the firearms enhancement under Senate Bill No. 620 and to conduct a *Franklin* hearing. (Staff attorney William Robinson)

In re J.R. (H045127)
Panel attorneys: Matthew Thue (father)
Daniel Rooney (minor)
Date: May 30, 2018

The juvenile court erred in ruling that appellant could not be found to be the presumed father because he was homeless, not the biological father, and was not involved in the minor's life for the first few months after birth. (Staff attorney Patrick McKenna)

People v. Johnell Carter (H042977, H43545)
Panel attorney: Frank McCabe
Date: May 22, 2018

Appellant was convicted of one crime and then escaped from jail. He received no presentence credits in either case for the time between his arrest and conviction for escape, which was error. (Staff attorney Paul Couenhoven)

People v. Shane Miller (H043845)

Panel attorney: J.J. Hamlyn

Date: May 22, 2018

Appellant entered into a plea bargain which included a *Cruz* waiver that permitted the court to impose any punishment if he failed to appear for sentencing. He traveled to Nebraska in violation of the terms of his OR, but he appeared at sentencing. The court found he violated the *Cruz* agreement. The court of appeal reversed. The *Cruz* waiver only required him to appear at sentencing, which he did. He was thus entitled to enforcement of the plea bargain. (Staff attorney Paul Couenhoven)

People v. Abel Perez (H044887)

Panel attorney: Randy Kravis

Date: May 16, 2018

Conditions of probation were modified to avoid problems with vagueness and overbreadth. (Staff attorney Lori Quick)

People v. Phillips (H043225)

Panel attorney: Steven Schorr

Date: May 11, 2018

Appellant was convicted of oral copulation of a minor. Oral copulation was defined as any contact with the sexual organ of another. The evidence was that he made contact with the “mons area” of the girl, which is generally considered to be above the vulva. The court, however, provided several definitions of the mons area, one of which included it being part of the vulva. The court of appeal found this was erroneous and required reversal. (Staff attorney Lori Quick)

People v. Danny Brumsey

Staff attorney: Lori Quick

Date: May 11, 2018

Admission of the statements of an alleged domestic violence victim who did not testify violated the defendant’s right to confrontation.

In re Andre Johnson (H044684)

Panel attorney: Eric Weaver

Date: May 1, 2018

On habeas corpus, it was alleged the defendant was deprived of a fair trial when one of his former victims sat as a juror in his trial. The court of appeal issued an order to show cause. (Staff attorney Jonathan Grossman)

People v. Marques Gaines (H043645)

Panel attorney: Stephen Bedrick

Date: May 1, 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 William Robinson)

People v. David Johnson (H043996)

Panel attorney: Michael Sampson

Date: May 1, 2018

The great bodily injury finding was reversed because the court erroneously instructed the jury that it was essentially equivalent to the charge of serious bodily injury. (Staff attorney Jonathan Grossman)

People v. Timothy Gleason (H044116)

Panel attorney: Caitlin Plummer

Date: April 30, 2018

The finding that an occupant was present during a residential burglary did not apply to the crime of attempted residential burglary. Further, trial counsel was ineffective for not objecting to adding a personal use of a weapon allegation when there was insufficient evidence in the preliminary hearing to support the allegation. (Staff attorney William Robinson)