

RECENT WINS!

People v. Christopher McCarthy (H043322)

Panel attorney: Emily Brough

Date: December 14, 2017

Appellant was convicted of possession of LSD for sale. Although she had a recommendation for medical marijuana, the trial court prohibited her from possessing it as a condition of probation. The court of appeal modified the condition to permit it if approved by probation. It also decided that the imposition of discretionary fines should be stricken when appellant was found not to have the ability to pay. (Staff attorney Jonathan Grossman)

People v. Angelo Garcia (H043805)

Panel attorney: Maggie Shrout

Date: December 11, 2017

The sentence of 27 years to life was improperly described as life without the possibility of parole for 27 years to life. (Staff attorney Jonathan Grossman)

People v. Joanna Steele (H043846)

Panel attorney: Monica Stoner

Date: December 4, 2017

The court could not order victim restitution for hit and run where the defendant is sentenced to prison, unless the victim's injuries arose from the fleeing the scene. (Staff attorney Paul Couenhoven)

People v. Ryon Hoffman (H042478)

Attorney: Arthur Dudley

Date: November 20, 2017

A person might be eligible for reducing a felony conviction to a misdemeanor under Proposition 47 for an unfinished check written in the amount of more than \$950. (SDAP was not involved in this appeal)

People v. Jesus Ruelas (H042776)

Panel attorney: Randy Kravis

Date: November 14, 2017

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

People v. Christopher Powers (H043485)
Panel attorney: Alex Coolman
Date: November 13, 2017

The minute order of the sentencing hearing was amended to reflect what the court orally ordered. (Staff attorney Lori Quick)

People v. Anthony Norris (H02518)
Panel attorney: Alex Gren
Date: November 8, 2017

The matter was remanded for resentencing because the court erroneously believed it lacked discretion to run a concurrent term and mistakenly imposed concurrent terms when it found Penal Code section 654 applied. (Staff attorney William Robinson)

People v. Joseph Pesti (H044571)
Staff attorney: William Robinson
Date: November 6, 2017

A second degree burglary reduced by Proposition 47 must become a shoplifting conviction.

People v. David Pietrzak (H042826)
Panel attorney: Candace Hale
Date: November 1, 2017

The court erred treating a conviction of theft from an elder (Pen. Code, § 368, subd. (d)) as a serious felony. Further, separate prior serious felony conviction enhancements cannot be imposed for prior convictions that were not brought and tried separately. (Staff attorney William Robinson)

People v. Carothers (H040513)
Staff attorney: Susannah McNamara
Date: November 1, 2017

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

In re G.S. (H044576)
Attorney: Seth Gorman
Date: October 23, 2017

A dispositional order that the parent “develop a network” of support was modified to be less vague. (SDAP was not involved in this appeal)

People v. Zamora (H042177)
Panel attorney: Sara Coppin
Date: October 20, 2017

The court decided a probation condition to participate in drug counseling was unreasonable when the record showed the defendant used marijuana about once a month and drank infrequently; their use was not related to the crime. (Staff attorney William Robinson)

People v. Ricardo Garcia (H044322)
Panel attorney: Jennifer Sheetz
Date: October 19, 2017

The punishment for the gang crime was stayed because the defendant was punished for another offenses with a gang enhancement. (Staff attorney Jonathan Grossman)

People v. Magat (H039935)
Panel attorney: Christopher Morales
Date: October 17, 2017

The court erred in ordering appellant pay a discretionary fine after he objected and the court did not inquire on his ability to pay. (Staff attorney Paul Couenhoven)

People v. Eduardo Magana (H042881)
Panel attorney: Tania Rose
Date: October 17, 2017

The court should have credited excess time in custody toward fines. (Staff attorney William Robinson)

People v. Eryck Johnson (H043566)
Staff attorney: Lori Quick
Date: October 16, 2017

Defendant serving a three strikes sentence was eligible for resentencing under Proposition 47.

People v. Joseph Loris (H042541)

Panel attorney: Sejal Patel
Date: October 13, 2017

Conditions of probation not to possess weapons and to stay away were modified to avoid problems with vagueness. (Staff attorney Lori Quick)

People v. Anthony Stevens (H043163)
Panel attorney: Garrick Byers
Date: October 13, 2017

Appellant was eligible to have his conviction for unlawful possession of access card information (Pen. Code, § 484e, subd. (d)) reduced to a misdemeanor under Proposition 47. (Staff attorney Lori Quick)

People v. Armando Zepeda (H042582)
Panel attorney: Katja Grosch
Date: October 11, 2017

The limit on conduct credits for committing a violent felony does not apply when the defendant is placed on probation. (Staff attorney Paul Couenhoven)

People v. Nancy Ruby (H043139)
Panel attorney: Garrick Byers
Date: October 4, 2017

Appellant qualified for resentencing under Proposition 47 after being convicted of entering a commercial establishment and passing fraudulent checks and using a stolen ATM card to obtain less than \$950. (Staff attorney Patrick McKenna)

People v. Arndt (H042994)
Panel attorney: Meredith Fahn
Date: October 4, 2017

Conditions of probation were modified to avoid problems with vagueness. (Staff attorney Jonathan Grossman)

People v. Nohely Roldan (H043767)
Panel attorney: Morgan Taylor
Date: October 3, 2017

A probation condition limiting appellant's access to the Internet was reversed as being vague. (Staff attorney Patrick McKenna)

People v. Julio Vasquez (H043023)
Panel attorney: Steven Torres
Date: October 3, 2017

The matter was remanded for a *Franklin* hearing. (Staff attorney Patrick McKenna)

People v. Richard Singh (H042511)
Panel attorney: Julie Dunger
Date: October 2, 2017

The court could not punish the defendant for an enhancement that was never proven.
(Panel attorney William Robinson)

People v. Collins (H040380)
Panel attorney: Joshua Schraer
Date: September 28, 2017

There was insufficient evidence of an ability to pay attorney fees. (Staff attorney Lori Quick)

People v. Cody (H041950)
Staff attorney: Lori Quick
Date: September 26, 2017

A condition of probation not to “frequent” an area was modified. It was also ordered that the court specify the penalty assessments.

People v. Berliner (H042305)
Staff attorney: Lori Quick
Date: September 26, 2017

A condition of probation not to “frequent” an area was modified.

People v. Munoz (H042082)
Panel attorney: Kevin Lindsley
Date: September 26, 2017

Probation conditions banning socializing with certain people and frequenting certain areas were modified. (Staff attorney Lori Quick)

People v. Fragiadakis (H041192)
Panel attorney: Susannah McNamara
Date: September 25, 2017

Conditions of probation concerning pornography were modified. (Staff attorney Patrick McKenna)

People v. Bernardo Camacho (H043233)
Staff attorney: Jonathan Grossman
Date: September 12, 2017

The punishment for the gang crime must be stayed under Penal Code section 654 because of the defendant was punished with the gang enhancement.

People v. Guzman (H041571)
Staff attorney: Lori Quick
Date: August 29, 2017

A condition of probation not to form a romantic relationship with one with minor children was modified to require knowledge.

People v. Ramos (H042139)
Panel attorney: Jennifer Bruno
Date: August 29, 2017

A condition of probation not to form a romantic relationship with one with minor children was modified to require knowledge. (Staff attorney Lori Quick)