

RECENT WINS!

People v. Deltoro (H048311)
Randy Kravis
February 24, 2023

The court of appeal decided the prosecution improperly used CSAAS evidence as proof of guilt. Further, the court during jury selection made it appear that the word of the complaining witness was sufficient for conviction, regardless of credibility. After one of the complaining witnesses testified, the court stated in front of the jury that the witness appeared to be traumatized. While the court of appeal did not believe any one error was prejudicial, it decided the cumulative effect required reversal. (SDAP was not involved in the matter)

People v. Edgardo Gutierrez (H048625)
John Dwyer
February 9, 2023

The matter was remanded for a new sentencing hearing due to changes to Penal Code section 1170. (Staff attorney William Robinson)

In re D.C. (H049939)
Michael Sampson
February 6, 2023

The court abused its discretion denying the minor's petition to modify a DJJ commitment under Welfare and Institutions Code section 779. The court erroneously believed that the plea agreement prevented it from considering the petition. (Staff attorney William Robinson; trial counsel Nisreen Baroudi skillfully argued the modification petition)

People v. Sean Roozen (H047858)
Meredith Fahn
February 3, 2023

The court tentatively awarded \$60,000 in victim restitution and set the matter for a hearing. At the hearing, the defense explained the prosecution had not yet provided necessary discovery. However, the defendant failed to appear, and the court imposed the \$60,000 amount as a "default judgment." Because the court had not warned the defendant this was a potential outcome for not appearing, the order violated due process. (Staff attorney Anna Stuart)

People v. Robert Moody (H049039)
Kathleen Sherman
February 1, 2023

The outstanding balance of the criminal justice administration fee was stricken. (Staff attorney William Robinson)

People v. Ignacio Ramirez (H049485)
Brad Kaiserman
January 30, 2023

The matter was remanded for the court to consider its new discretion under A.B. 518 to decide which punishment to stay under Penal Code section 654. (Staff attorney William Robinson)

In re C.C. (H050220)
Paul Swiller
January 30, 2023

Summary reversal was granted due to failure to make proper ICWA inquiry. (Staff attorney Joe Doyle)

People v. Matthew Jennings (H049043)
Vanessa Place
January 25, 2023

The felony murder special circumstance did not categorically preclude relief under S.B. 1437. (Staff attorney Jonathan Grossman)

People v. Ivan Vargasarellano (H048062)
Jean Matulis
January 20, 2023

The gang enhancement was reversed under A.B. 333. The matter was remanded for the court to consider its new discretion under A.B. 518 to decide which punishment to stay under Penal Code section 654. Further, the abstract of judgment must be amended to reflect the court “stayed” some of the fines and fees. (Staff attorney Paul Couenhoven)

People v. Ricardo Villanueva (H049951)
James Donnelly-Saalfield
January 19, 2023

The court erred in summarily denying the S.B. 1437 petition based on findings made before an evidentiary hearing. (Panel attorney Lori Quick)

People v. Edward Miller (H048932)
Ed Haggerty
January 19, 2023

The felony murder special circumstance did not categorically preclude relief under S.B. 1437. (Staff attorney Paul Couenhoven)

People v. Robert Borquez (H046457)
Heather MacKay
January 17, 2023

The matter was remanded for the court to dismiss the prior serious felony enhancement under current law, and the outstanding balance of the criminal justice administration fee was stricken. (Staff attorney Paul Couenhoven)

In re J.M. and O.M. (H049925, H049976)
Jamie Moran
January 12, 2023

Summary reversal was granted due to failure to make proper ICWA inquiry. (Staff attorney Anna Stuart)

People v. Roderick Reynolds (H047947)
Michelle Spencer
January 13, 2023

The denial of a suppression motion was reversed. The defendant was a passenger in a car stop. He made some furtive gestures with another passenger for a few seconds. However, the body camera recording did not show any more furtive movement beyond this. The officer did not appear to think there was any danger, based on his subsequent conduct at the scene. Nonetheless, he pat searched the defendant. The Court of Appeal held there was insufficient evidence to support a finding there was a reasonable suspicion the defendant was armed. After the pat search, defendant struggled with the officer, and he dropped some suspected methamphetamine. The court held this was not abandoned. (Staff attorney William Robinson)

In re Adrian L. (H048507)
Evan Greenberg
January 9, 2023

There was insufficient evidence to support the gang enhancement under A.B. 333. (Staff attorney Lori Quick)

People v. Nix (H049984)
Lori Quick
January 5, 2023

A condition of probation not to “date, socialize with or form a romantic relationship” with certain people was unconstitutionally vague. The term “socialize with” was stricken. Further, probation was limited to two years.

People v. Francisco Bravo (H048468)
People v. Sergio Rodriguez (H048574)
Gordon Brownell and Shannon Chase
January 3, 2023

Gang-related enhancements were reversed under A.B. 333. (Staff attorneys Lori Quick and Jonathan Grossman)