

**SUFFICIENCY OF THE EVIDENCE
ERROR AT TRIAL OR HEARING
PRETRIAL AND POSTTRIAL MOTIONS
SENTENCING
DEPENDENCY CASES
HABEAS PROCEEDINGS
MISCELLANEOUS**

SUFFICIENCY OF THE EVIDENCE
People v. Guillermo Cervantes (H048986)
Jeff Glick
August 16, 2023

Appellant was convicted of dissuading a witness from causing a complaint to be filed under Penal Code section 136.1, subdivision (b)(2). Because appellant was aware a complaint had already been filed, he could not have tried to dissuade a witness from causing a complaint to be filed. (Jonathan Grossman)

In re C.S. (H049028)
Mark Greenberg
June 5, 2023

C.S. and his adult codefendant were tried together in adult court and convicted of murder and felony assault with gang enhancements. Upon the passage of Proposition 57, C.S.'s case returned to the juvenile court. In the meantime, the codefendant's convictions were reversed because of instructional error describing premeditation and deliberation, which was compounded by the prosecution exploiting in argument the instruction's erroneous wording. Further, there was insufficient evidence to support the conviction for felony assault. Finally, the gang enhancements were reversed under A.B. 333. The court of appeal agreed the same reasons for reversing the codefendant's convictions applied to C.S. (Anna Stuart)

ERROR AT TRIAL OR HEARING
People v. Jimenez (H048103)
Evan Greenberg
October 30, 2023

Appellant's convictions were reversed because his waiver of right to counsel was not knowingly and voluntarily made. He made the motion after being unrepresented for five weeks when retained counsel withdrew. The court did not ask him if he understood the consequences of representing himself. Although he filled out a *Faretta* waiver form, the court never established if he understood it and parts of the form were left blank. (Anna Stuart)

People v. Sajawal Chadhar (H047641)
Heather Mackay
October 24, 2023

In response to a jury question on deliberation for first degree murder, the court instructed the jury that the defendant must choose the course of action that led to the death. The Court of Appeal held the instruction was erroneous. The defendant must choose to kill for their be deliberation. (Michelle Spencer)

People v. Martinez (H048748)
Julie Caleca
September 21, 2023

One of the convictions was reversed because the jury was instructed it could convict appellant based not just on the charged conduct but also on uncharged conduct. (Lori Quick)

People v. Angel Bass (H049528)
Candace Hale
September 11, 2023

The conviction for a lesser included misdemeanor was barred because it was beyond the statute of limitations. (Paul Couenhoven)

In re E.B. (H049250)
Julie Caleca
September 5, 2023

The gang enhancement was reversed in light of A.B. 333. (Lori Quick)

In re S.L.S. (H050182)
Sangeeta Sinha
August 31, 2023

The court could not sustain a conviction for both grand theft and robbery because grand theft is a lesser included offense. Further, the probation condition authorizing probation to remove him from his home during “family crises” was unconstitutionally vague. (Anna Stuart)

People v. Humberto Bravo (H047752)
Paul Couenhoven
July 20, 2023

Appellant's murder conviction was reversed because the jury was instructed on a theory that is no longer valid under S.B. 1437.

People v. Ho Lee (H047242)
Alissa Bjerkhoel
July 7, 2023

The gang enhancement must be reversed in light of amendments to Penal Code section 186.22. Further, a court cannot stay the punishment for a conduct enhancement; it must be imposed or stricken. (Lori Quick)

People v. Joe Madrigal (H046577)
Cliff Gardner
July 6, 2023

In a published decision, the court decided appellant's murder conviction must be reversed under S.B. 775. Further, the trial court lacked the power to withhold documents subpoenaed by the defense simply because it failed to review the material. (Michelle Spencer)

In re J.R. (H049912)
Eric Weaver
June 30, 2023

The order transferring the juvenile to adult court was reversed in light to changes to Welfare and Institutions Code section 707. (Jonathan Grossman)

People v. Cabrera et al. (H040821)
Victoria Safford, Sara Ruddy, J. Wilder Lee, Jennifer Mannix, Patricia Lai, Maureen Fox, Jennifer Peabody
June 20, 2023

Seven defendants were convicted of murder with a gang enhancement, and two of them had gang special circumstances. Three of them were juveniles during the incident. The incident occurred in 2007, and the trial was in 2013. The appeal was decided ten years later. The court of appeal decided four of the defendants' conviction for second degree murder must be vacated because the

court instructed on the natural and probably consequence theory of aiding and abetting. The first degree murder conviction for two of the defendants must be reduced to second degree murder due to a Sixth Amendment violation of the right to confrontation relevant to premeditation and deliberation. The defendants who were juveniles at the time of the offense were entitled to have their cases return to the juvenile court for a possible new transfer hearing. The gang enhancements must be dismissed in light of A.B. 333. (William Robinson)

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People v. Pedro Morales Pedrisco (H050368)

Geoff Jones

June 12, 2023

While the case was in the superior court following remand for a new sentencing hearing, A.B. 333 went into effect. The court of appeal decided that this required reversing the gang enhancement. It also decided that new Penal Code section 1109 applied retroactively and required reversal of other convictions. (Lori Quick)

People v. Benjamin Jones (H049511)

Patrick Hoynoski

June 6, 2023

The defendant was placed on probation. More than two years later, a violation of probation was filed. The court held probation had terminated after two years under A.B. 1950. (Joseph Doyle)

People v. Diego Morales (H049694)
Carrie Kojimoto
May 18, 2023

The gang enhancement was reversed due to a change in the law. (Paul Couenhoven)

People v. John Thomas (H047082)
Paul Couenhoven
April 20, 2023

The conviction was reversed because the court did not permit the defense to cross-examine the witness who identified appellant as the culprit about the witness's pending criminal matters in the same county. Further, the prosecution misstated the burden of proof by arguing the defense failed to present evidence of innocence.

People v. Ivan Hernandez (H048717)
Marc Zilversmit
April 6, 2023

The gang enhancement was reversed under A.B. 333. (William Robinson)

People v. Janessa Kic (H047226)
Shannon Chase
April 4, 2023

The court improperly instructed the jury that conspiracy to commit murder could be based on an implied malice theory, requiring reversal of the conspiracy conviction. (William Robinson)

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. 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. (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. (Lori Quick)

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. (Lori Quick and Jonathan Grossman)

PRETRIAL AND POSTTRIAL MOTIONS

People v. Lukus Phillips (H049601)
Jonathan Roberts
December 8, 2023

The trial court denied mental health diversion based on appellant being a risk to public safety. This requires a finding he was a risk to commit a super strike. However, the offense the court was concerned he might commit was assault with a deadly weapon, which was not a super strike. Further, the defendant's peaceful release into the community for a year suggested he was not a danger. (Joseph Doyle)

People v. Charles Edwards (H050789)
Marcia Clark
November 20, 2023

The court was required to dismiss the prison prior under Penal Code section 172.75, even if it believed reducing the sentence would endanger public safety. (Patrick McKenna)

People v. Richard Campbell (H049769)
Michael Ogul
November 17, 2023

The court denied relief after holding an evidentiary hearing under Penal Code section 1172.6, subdivision (d)(3). The record was sparse, including only a few documents. The court of appeal decided there was insufficient evidence to find appellant was guilty of murder under current law and ordered he be resentenced. (Paul Couenhoven)

People v. Wally Renteria (H049980)
James Thomson
October 18, 2023, modified on November 8, 2023

In a published decision, the court decided appellant was entitled to dismissal of a prison prior under Penal Code section 1172.75, even if punishment for the prior had been stayed. (Lori Quick)

In re R.R. (H050602)
Jeff Glick
November 7, 2023

The order transferring the juvenile matter to adult court was reversed so that the court can reconsider its decision under amended Welfare and Institutions Code section 707. (Jonathan Grossman)

People v. Raymundo Rivera (H049103)
Julie Caleca
October 26, 2023

The court denied appellant's S.B. 1437 petition after admitting in the evidentiary hearing a witness's extrajudicial statements. The court of appeal ruled this was error. The statements were hearsay. They did not qualify as past recollection recorded because the witness did not testify the prior statements were accurate. They did not qualify as a prior inconsistent statements because the

witness only testified she did not remember without apparently being evasive. (Lori Quick)

People v. Ezequiel Gutierrez (H050168)

Jean Marinovich

October 10, 2023

A probation violation petition was filed against defendant, who was in custody on a different matter. Because he was not brought to a court in timely manner after he made a demand, the court dismissed the petition. The prosecution appealed, but the Court of Appeal affirmed. (Paul Couenhoven)

People v. Martel Williams (H050287)

Elisa Brandes

October 6, 2023

Changes to Penal Code section 1172.1 required reversal of the denial of the petition by CDCR to resentencing appellant. (Randall Conner)

People v. Vincent Marquez (H050331)

Jeffrey Glick

October 2, 2023

The court struck a prison prior pursuant to Penal Code section 1172.75 but did not resentencing appellant, believing it lacked jurisdiction to do so. This was error. (Anna Stuart)

People v. Sunny Nguyen (H049789)

William Robinson

September 26, 2023

The court erred in summarily denying the petition to vacate the murder conviction because the jury could have convicted appellant based on the natural and probable consequence theory of conspiracy.

People v. Villagomez (H050412)

James Donnelly-Saalfield

September 28, 2023

The summary denial of a petition to vacate an attempted murder conviction was reversed. Appellant's admission when he pled to attempted murder that he intended to kill at least one person

in a group did not establish as a matter of law that he intended to kill the victim for which he was convicted. (Randall Conner)

People v. Ralph Apodaca (H049794)
Josephine Banuelos
September 13, 2023

Following a conviction by jury, the court of appeal reversed the denial of the suppression motion. The court decided appellant was detained when the officer got out of his car, approached appellant, shined a flashlight at him, and directed him to come to the officer. There was not reasonable suspicion at this point because the only information the officer had was that appellant was an active gang member who deals drugs in the neighborhood, known as a high crime area, and because appellant tried to duck when the officer first approached. (Anna Stuart)

People v. Michael Rayford (H050177)
Peter Goldscheider
September 13, 2023

The court erred in making adverse findings from the preliminary hearing transcript in denying an order to show cause in an S.B. 1437 proceeding. (Lori Quick)

People v. Phillip Dering (H050744)
Heather Shallenberger
August 30, 2023

The court refused to dismiss appellant's prison prior under Penal Code section 1172.75 because it believed reducing his sentence would endanger public safety. This was error. The prison prior must be dismissed. Under the statute, the court must also further reduce the prison sentence unless a shorter sentence would endanger public safety, but this does not affect whether to dismiss the prison priors. (Jonathan Grossman)

People v. Miguel Jimenez (H050000)
Randall Conner
July 27, 2023

Appellant pled no contest to attempted murder. The court held the transcript of the preliminary hearing and the charges he pled to did not establish as a matter of law he actually tried to kill or directly aided and abetted.

People v. Danny Tevaga (H049009)
Brian McComas
July 21, 2023

The court summarily denied the petition to vacate a murder conviction because the jury found true a felony murder special circumstance. The order was reversed under *People v. Strong* (2022) 13 Cal.5th 698. (Patrick McKenna)

People v. Ryan Francis (H050064)
Robert Werth
May 31, 2023

Appellant entered into a plea bargain where two counts would be dismissed. However, the court never actually dismissed them. The matter was remanded for the court to do this. (Lori Quick)

People v. Hector Gonzalez (H049799)
Joy Maulitz
May 18, 2023

The court's order denying a request to recall the sentence under Penal Code section 1172.1 was reversed due to a change in the law. (Jonathan Grossman)

People v. Raymond Johnson (H049600)
Robert Angres
May 8, 2023

The denial of the request to be resentenced under Penal Code section 1172.1 must be reversed due to a change in the law. (Lori Quick)

People v. Jesus Lopez (H050257)
Michael Ogul
May 5, 2023

The court erred in denying an order to show cause under Penal Code section 1172.6. Appellant had been involved with several people in shooting the victim, and he pled to attempted murder. The court of appeal determined there was a plausible theory that he was guilty under the natural and probable cause theory of aiding and abetting, requiring the issuance of an osc. (Joseph Doyle)

William Garcia-Fuentes v. Superior Court (H050346)
Stuart Kirchick
April 13, 2023

After being held to answer on gang allegations, the defendants filed a motion to dismiss under Penal Code section 995. When the motion was denied, they filed a petition for writ of mandate. This time the prosecution conceded there was insufficient evidence to support the allegation because the only evidence the crimes would benefit the gang was that it would improve the gang's reputation. (SDAP did not participate in the matter)

People v. Superior Court (H050025)
Rebecca Kahan
March 27, 2023

The defendant was convicted and appealed. The court of appeal reversed for the trial court to exercise its new discretion to consider mental health diversion. After the court on remand diverted the defendant, the prosecution filed a petition for writ of mandate. The court of appeal ruled in favor of the defendant. The court had the authority to assign the case to a judge who had not presided over the trial, and the decision to grant diversion was not an abuse of discretion. (SDAP was not involved)

People v. Cedillo (H049841)
Rachel Varnell
March 24, 2023

The defendant filed a second petition under S.B. 1437. However, the relevant law changed with the passage of S.B. 775. The court denied the petition because the previous petition had been denied. The court of appeal reversed, holding the trial court was required to make an independent determination whether to issue an order to show cause. (William Robinson)

People v. Raul Ramirez (H050178)
Laura Arnold
March 22, 2023

The court erred in summarily denying the S.B. 1437 petition based on factual findings made from the preliminary hearing transcript. (Jonathan Grossman)

People v. Richard Gonzales (H049102)
Donald Landis
March 15, 2023

The court's decision not to recall the sentence under Penal Code section 1172.1 was reversed in light of changes to the law. (William Robinson)

People v. Lester Polk (H047953)
Donald Landis
March 8, 2023

The felony murder special circumstance did not categorically preclude relief under S.B. 1437. (William Robinson)

People v. McWilliams (S268320)
William Robinson
February 23, 2023

The Supreme Court decided a parole search was illegal when officers learned of the defendant's parole status only after an illegal detention.

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

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

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

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

SENTENCING

People v. Brewster Phelps (H050311)
Jennifer Mannix
December 28, 2023

The imposition of certain fees must be vacated pursuant to Government Code section 6111. (Jonathan Grossman)

People v. Eduardo Osorio (H050582)
Kyle Gee
November 29, 2023

The court erred in ordering appellant register as a gang member because there was insufficient evidence the crimes were related to a gang. (Paul Couenhoven)

People v. George Spencer (H050777)
Staff attorney: Michelle Spencer
October 23, 2023

The court erred in order the defendant to register as a narcotics offender because this provision has been repealed.

People v. Leonardo Ramirez (H049145)
Brian McComas
October 18, 2023

Changes to Penal Code section 654 applied retroactively, requiring a new sentencing hearing. (Patrick McKenna)

People v. Prinya Duangputra (H048637)
Patricia Lai
October 13, 2023

Changes to Penal Code section 1170 required a new sentencing hearing. (Michelle Spencer)

People v. Daniel Mercado (H046930)
Randy Baker
September 21, 2023

The matter was remanded for a new sentencing hearing in light of changes in the law. (Lori Quick)

People v. Michael Serrano (H047310)
James Thomson
September 26, 2023

The matter was remanded for resentencing due to changes in the law to Penal Code sections 654 and 1170(b). (Anna Stuart)

People v. Carlos Pool (H049905)
Laurie Wilmore
September 26, 2023

The prison prior needed to be dismissed. (Jonathan Grossman)

People v. Taylor et al. (H048959)
Rachel Varnell and Alex Coolman
September 14, 2023

The matter was remanded because the court failed to pronounce judgment for one of the counts and because the balance of the booking fee must be stricken. (Jonathan Grossman)

In re F.M. (H048693)
Michael Reed
September 7, 2023

Following transfer from the California Supreme Court, the judgment was reversed due to *Manzy W.* error (Joseph Doyle)

People v. Daniel Gonzalez (H048636)
Alan Siraco
September 8, 2023

The matter was remanded for a new sentencing hearing in light of changes to Penal Code sections 654 and 1170(b). (Paul Couenhoven)

People v. Donovan Johnson (H049257)
Jonathan Grossman
August 2, 2023

Appellant could not be convicted for violating both Penal Code section 245, subdivisions (a)(1) and (a)(4). Further, the maximum punishment for misdemeanor child endangerment was six months, not one year. Finally, a fine that the court did not orally pronounce must be stricken from the minute order of the sentence and the abstract of judgment.

In re D.U. (H049833)
Eileen Manning-Villar
July 27, 2023

The minor was committed to a secured youth treatment facility. The matter was remanded because the court failed to determine the maximum term of confinement and the amount of precommitment credits. (Lori Quick)

People v. Augustin Mosqueda-Castillo (H050363)
Aaron Schechter
July 13, 2023

A condition of probation, prohibiting access to the Internet, was overbroad. Further, a protective order was modified to permit peaceful contact under certain conditions to reflect what the court orally ordered. (Paul Couenhoven)

People v. Israfael Segarra (H049740 et al.)
Bess Stiffelman
July 12, 2023

The matter was remanded for a new sentencing hearing in light of amendments to Penal Code section 1170(b). (Joseph Doyle)

People v. James Stull (H048102)
Lori Quick
June 30, 2023

The sentence was reversed in light of changes to Penal Code section 1170, subdivision (b).

People v. Orlando Molina (H048441)
Bess Stiffelman
June 27, 2023

The sentence was reversed in light of changes to Penal Code section 1170, subdivision (b). (Jonathan Grossman)

People v. Alfonso Navarro (H049055)

J. Wilder Lee
June 14, 2023

The matter was remanded for a new sentencing hearing due to the change in law in Penal Code section 1170, subdivision (b), and the defendant shall be resentenced according to the current law. (Anna Stuart)

People v. Moses Cortinas (H047790)
Jeffrey Glick
May 30, 2023

The gang allegations must be reversed due to AB 333. Further, the term for the enhancement under Penal Code section 12022.53, subdivision (c) is 20 years, not 20 years to life. Finally, the balance of the criminal justice administration fee must be vacated. (William Robinson)

People v. Anthony Garcia (H049305)
Randall Conner
May 1, 2023

Penal Code section 654 prevented punishing the defendant for both being a felon in possession of a firearm and possession of ammunition. (William Robinson)

People v. Epifanio Montoya (H048965)
Julie Caleca
April 27, 2023

The abstract of judgment must be modified to reflect the correct amount of the restitution fines. (William Robinson)

People v. Kye Kitzman (H048726)
Lori Quick
April 19, 2023

Appellant was entitled to 3 additional days of actual credit and to have the balance of some of his fees stricken.

People v. Daniel Sanchez (H049354)
William Safford

March 21, 2023

The court remanded the matter for a new sentencing hearing for the court to consider changes to Penal Code section 1170. (Joe Doyle)

People v. Irvin Chavez (H048484)
Michael Sampson
March 20, 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. (Joe Doyle)

People v. Damou Evans (H047340)
Gordon Brownell
March 16, 2023

A prior serious felony conviction does not apply when the current offense is not a serious felony. (Anna Stuart)

People v. Carlos Roman (H049499)
Elisa Brandes
March 15, 2023

The matter was remanded for a new sentencing hearing in light of recent changes to Penal Code sections 1170 and 654. (Lori Quick)

People v. Richard Bess (H048744)
Sara Coppin
March 8, 2023

The matter was remanded for a new sentencing hearing in light of recent changes to Penal Code section 1170. (Joe Doyle)

People v. Tan Nguyen (H047090)
Jennifer Mannix
March 6, 2023

The matter was remanded for a new sentencing hearing in light of recent changes to Penal

Code section 1170. The balance of certain fees were stricken pursuant to A.B. 1869. (Lori Quick)

People v. Leeanna Martinez (H049732)

Aaron Schechter

March 6, 2023

The matter was remanded for a new sentencing hearing in light of recent changes to Penal Code section 1170. (Jonathan Grossman)

People v. Rodrigo Bejarano (H047892)

Randy Kravis

March 3, 2023

The balance of certain fees were stricken pursuant to A.B. 1869. (Jonathan Grossman)

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. (William Robinson)

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. (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. (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. (Anna Stuart)

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

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

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. (Paul Couenhoven)

People v. Ricardo Villanueva (H049951)
James Donnelly-Saalfeld
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. 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. (Paul Couenhoven)

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.

DEPENDENCY CASES

In re L.W. (H050480)
Valerie Lankford and Elizabeth Kippi
July 19, 2023

The order was reversed so that a proper inquiry under ICWA can be conducted. (Paul Couenhoven and Jonathan Grossman)

In re J.A. (H050310)
Jamie Moran
March 30, 2023

County counsel agreed to a stipulated reversal based on ICWA error. (Jonathan Grossman)

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

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

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. (Anna Stuart)

HABEAS CORPUS

In re Juan Ceja (H049565)
Shannon Chase
September 26, 2023

The court granted an order to show cause on a claim of ineffective assistance of counsel. Trial counsel was inexperienced in felony cases. She went off her medication for bipolar disorder before trial, which caused her to decompensate, and this led to errors at trial. (Jonathan Grossman)

In re Leif Ames (H049862)
Joseph Doyle
July 20, 2023

Ames was charged with murder with personal use of a firearm. After being in custody for nine months, he posted \$750,000 bail. The prosecution moved to hold him in custody without bail, but the argument was not based on any new information. The court granted the motion and remanded him into custody. He filed a habeas corpus petition in the superior court, which was granted. The prosecution appealed, and the Court of Appeal affirmed because the order remanding him into custody was not based on any new evidence.

MISCELLANEOUS

In re Ahmad Moustafa (H050986)
Marc Zilversmit
August 3, 2023

The court issued an order to show cause returnable to the superior court on the allegation trial counsel was ineffective for failing to investigate the viability of a defense for diminished actuality or insanity. (SDAP was not involved in the matter)