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SUFFICIENCY OF THE EVIDENCE

People v. Harris, H053358
Michael Sampson
May 21, 2026

A jury convicted appellant of 23 counts concerning various offenses against two minors. The trial court sentenced appellant to prison for 15 years to life plus a determinate term of 25 years eight months. Appellant argued that substantial evidence did not support his conviction on one count of violating Penal Code section 288.2, subdivision (a)(2) because the prosecution did not prove the video appellant showed to a 15-year-old girl constituted "harmful matter." The Court of Appeal agreed, reasoning that (1) the prosecution did not produce the video itself; (2) Doe 1 did not provide any information about the video other than stating it contained BDSM content and agreeing with the prosecutor's characterization that the video constituted "pornography"; and (3) the cross-examination of appellant had produced no additional information about the video's content. The Court reversed appellant's conviction on the count at issue and remanded for full resentencing. (Julie Caleca)

People v. Mercado, H046930
Randy Baker
February 20, 2026

A jury found appellant guilty of five counts of armed robbery counts, assault with a firearm, and of four counts of possessing a firearm following a felony conviction. The Court of Appeal affirmed but the Supreme Court remanded the case for reconsideration given that court's opinion in *People v. Fletcher* (2025) 18 Cal.5th 576. On remand, the Attorney General conceded that (1) no interruption in possession established more than one conviction for firearm possession; (2) reforms to the criminal street gang statute applied to appellant's prior conviction for assault with a gang enhancement, the basis for his prior strike and prior serious felony enhancement; and (3) the trial court must strike two prior prison term enhancements as inoperative pursuant to current law. The parties agreed that section 654 applied to a count of unlawful ammunition possession. The Court of Appeal also found that the trial court must consider if appellant's youth required sentencing to the lower term for one of the robbery counts. The Court reversed the judgement, vacated all but one conviction for unlawful firearm possession, vacated the prior strike and prior serious felony findings and remanded the case to the trial court for resentencing under current law following potential retrial on the prior serious felony (and prior strike) allegation. (Randall Conner)

ERROR AT TRIAL OR HEARING

People v. Bowen, H052659
Laura Arnold
May 15, 2026

In 2016, appellant pleaded no contest to voluntary manslaughter. He subsequently petitioned for section 1172.6 resentencing. The trial court denied the petition without an evidentiary hearing, concluding that the record of conviction (including a transcript of the preliminary hearing) established his conviction as the direct perpetrator. Hearsay statements in the preliminary hearing had identified appellant as the direct perpetrator. Section 1172.6 bars such statements at an evidentiary hearing unless an exception applies, and appellant argued that *People v. Patton* (2025) 17 Cal.5th 549 supported his contention that the same rule should apply at the prima facie stage of review. The Attorney General conceded that, based on *Patton*, the Court of Appeal should grant appellant an "opportunity …. to present testimony or other evidence to show he was not the actual killer." The Court reversed and remanded with directions to consider a petition incorporating Patton's teachings, should appellant file one. (Anna Stuart)

People v. Lopez, H051613
Alexis Haller
April 30, 2026

In a trial on 14 child sex-abuse counts, count 7 charged appellant with forcible rape of a child and counts 2, 4, 6, and 10-12 charged appellant with committing forcible lewd or lascivious acts on a child, but the verdict forms for those seven counts incorrectly indicated charges for lewd or lascivious acts on a child. The jury convicted on all counts and the trial court denied a motion for new trial and sentenced appellant to serve 185 years to life. The Court of Appeal found the verdict form errors prejudicial because the jury's communication with the trial court suggested possible confusion and because the charges all involved alleged sexual acts for which the prosecution could have (but did not) charge appellant with violating section 288, subdivision (a). The Court of Appeal reversed the convictions on counts 2, 4, 6, 7 and 10-12, subject to possible retrial, with the exception of count 11, which the Attorney General conceded lacked sufficient evidence. The Court ordered resentencing following retrial or the prosecution's election not to proceed with retrial. (Jonathan Grossman)

People v. Solis, H050913
Matthew Watts
April 20, 2026

The trial court sentenced appellant to serve three years in state prison after he admitted driving with a suspended license due to a prior DUI conviction (a misdemeanor) and a jury found him

guilty of felony driving under the influence. Prior to trial, the trial court had overruled counsel's objection to the prosecutor's peremptory challenge of a Hispanic prospective juror. Appellant argued in his appeal that the prosecution's peremptory challenge had violated Code of Civil Procedure section 231.7. The Court of Appeal found that section 231.7 presumes a perceived mistrust of law enforcement an invalid basis to challenge a juror, that it requires a showing by clear and convincing evidence that an objectively reasonable person would view the challenge as unrelated to race or another prohibited factor, and that the prosecutor's concerns regarding the potential juror's demeanor did not satisfy the clear and convincing evidence requirement. The Court reversed the judgment and remanded the matter for possible retrial of felony driving under the influence. (Michelle Spencer)

People v. Garcia-Torres, H045484
Danalynn Pritz
February 27, 2026

A jury convicted the defendant of murdering Sierra LaMar, a fifteen-year-old San Jose resident whose body has not been found, during the commission or attempted commission of a kidnapping, in addition to three unrelated counts of attempted kidnapping during the commission of a carjacking. Following a penalty phase trial, the trial court sentenced defendant to life in prison without the possibility of parole, consecutive to a term of 13 years 8 months in prison. The Court of Appeal found abuse of discretion for failing to sever the attempted kidnapping counts from the murder count, reasoning that the kidnapping crimes had lacked cross-admissibility as evidence of intent or motive to murder, that no count – including the murder count – had strong evidentiary support, and that consolidation of four weak cases would likely alter the outcome on some or all of the counts. The Court also found insufficient evidence of willful, deliberate, and premeditated murder. The Court reversed the judgement and ordered that, in any retrial of the murder count, the prosecution cannot attempt to prove willful, deliberate, and premeditated murder. (Jonathan Grossman)

People v. Hepburn-Martin et al., H046342
Alex Coolman (for Availek Hepburn-Martin)
Michael Sampson (for Miguel Cornejo)
February 13, 2026

In 2017, a jury convicted Cornejo and Hepburn-Martin of two counts of second-degree murder (counts 1 and 2), one count of assault with force likely to produce great bodily injury (count 3), and one count of assault with a firearm (count 4). The convictions arose from a three-man home invasion robbery in which the perpetrators killed both victims with a .45 caliber firearm and shot the first victim with a .380 caliber firearm. The trial court sentenced appellants to identical indeterminate terms of 55 years to life consecutive to determinate terms of seven years. On appeal, appellants jointly argued that the trial court committed instructional error by failing to instruct the jury on the second-degree murder charges that it must find they personally acted with malice as aiders and

abettors. The Court of Appeal reversed on instructional error. As to error, the instructions failed to apprise the jury that "to be guilty as a direct aider and abettor of second degree murder, an accomplice must have acted with the mental state of implied malice. …" The Court concluded the error was prejudicial because (1) neither the prosecutor nor any of the defense attorneys told the jury that it had to find that appellants personally acted with malice before either could be individually convicted as aiders and abettors to the murders; (2) appellants never admitted or conceded that they aided and abetted the fatal shootings, nor did they admit that they personally acted with malice; (3) no uncontested evidence supported by overwhelming evidence that either appellant harbored malice to support a second degree murder conviction under an aiding and abetting theory; and (4) the jury's findings on the firearm enhancement for count 1, pursuant to section 12022.53, subdivision (d), did not necessarily support a finding that either appellant harbored the necessary malice to be convicted of second degree murder as aiders and abettors. On this last point, the Court reasoned that the findings on the enhancement to count 1 does not establish which person used the .45 caliber weapon and it is also consistent with a conclusion that either appellant had fired the non-fatal shot from the .380 caliber firearm into the first victim's leg. The Court reversed the judgments, vacated the convictions and remanded the matter for possible retrial on counts 1 and 2 with orders that, following any retrial and resulting conviction(s), if any, on counts 1 and 2, the trial court shall reinstate appellants' convictions on counts 3 and 4 and resentence appellants under current law. (Randall Conner, Michelle Spencer)

People v. Garcia, H047489
People v. Gomez, H047844
Jennifer Mannix (Garcia)
Edward Haggerty (Gomez)
January 30, 2026

In 2017 a jury convicted Garcia and Gomez of first-degree premeditated murder and firearm offenses. The jury also found true gang enhancements and gang-related firearm enhancements associated with those convictions. The trial court sentenced each defendant to indeterminate terms of 50 years to life plus three years. The Court of Appeal reversed Garcia's conviction for first degree murder due to the trial court's failure to instruct the jury on the meanings of "willfully," "deliberately," and "with premeditation," or with the instructions describing aider and abettor liability for murder. The Attorney General also conceded that instructional error required the Court to vacate Gomez's firearm offenses and Garcia's identical firearm offenses and that under current law, no sufficient evidence established the gang enhancements and gang-related firearm enhancements as to both defendants. (Michelle Spencer)

People v. Bedford, et al., H051908
Joe Doyle (Bedford)
Steven Schorr (Martin.)
Edward Mahler (Olivia)
Richard Oberto (Williams)

January 30, 2026

Prior to trial, the trial court dismissed gang enhancements and gang-related firearm enhancements from the information, finding insufficient evidence that two prior camera store robberies qualified as predicate offenses for purposes of the gang statute. The prosecution appealed. The Court of Appeal affirmed the trial court's order, concluding there was insufficient evidence to raise a strong suspicion that the predicate offenses commonly benefited the "Bossland Baby" (BLB) subset of the "Case gang" or that the purported BLB gang members collectively engaged in a pattern of criminal gang activity. Regarding the common benefit requirement, the Court reasoned that "[g]eneric testimony about predicate offenses that inherently have a financial component such a robbery is not evidence that a predicate offense provided the gang with a financial benefit or motivation, as opposed to benefitting or motivating only those specific participating members." Regarding the pattern of criminal gang activity requirement, the Court reasoned that no sufficient evidence established "any organizational nexus between the predicate offenses and BLB" via, for example, a leader's direction, group decisions made by gang members, or an expectation that BLB members would rob camera stores. (Michelle Spencer)

PRETRIAL AND POSTTRIAL MOTIONS

People v. Smith, H052539
Sarah Coppin
May 26, 2026

The prosecution charged appellant with robbery, assault with a deadly weapon, and two counts related resisting police officers, including an enhancement for the infliction of great bodily injury on one of the arresting deputies. After the trial court denied his motion for mental health diversion on the basis that he presented an unreasonable risk of danger to public safety if released into the community, appellant pleaded no contest to grand theft and to one count of resisting an executive officer and admitted the great bodily injury enhancement. The trial court placed appellant on formal probation with execution of his five-year prison sentence suspended. Appellant argued that the record did not support any contention that the trial court had made an implied finding that appellant posed an unreasonable danger to public safety as defined in section 1001.36. The Court of Appeal agreed and found no indication that the trial court was aware of or intended to exercise its residual discretion in denying appellant's application for diversion. The Court reversed the trial court's order denying mental health diversion and conditionally vacated appellant's guilty pleas and the judgement. The Court ordered the trial court to conduct a new hearing to consider appellant's eligibility and suitability for mental health diversion and instructed that if the trial court again denies mental health diversion, it shall reinstate the judgment of conviction. (Anna Stuart)

People v. Mohammed, H052908
Robert Angres
April 29, 2026

Appellant pleaded no contest to all counts and to multiple sentencing enhancements and aggravating circumstances in two cases, with exposure to 34 years in prison. In January 2024, the trial court sentenced appellant to serve seven years, four months. In October 2025, after CDCR identified a sentencing error, the trial court resentenced appellant to serve 10 years, eight months. On appeal, appellant argued that the trial the trial court lacked jurisdiction to apply the unauthorized sentence rule and resentence him. In a published decision, the Court of Appeal agreed, applying the Supreme Court's holding in *In re G.C.* (2020) 8 Cal.5th 1119, 1130, that to invoke the unauthorized sentence rule, "the court must have jurisdiction over the judgment", and the majority view that courts lack inherent jurisdiction to correct unauthorized sentences where judgment is final and execution of sentence has begun. Because the trial court lacked fundamental jurisdiction to resentence appellant, the Court of Appeal lacked jurisdiction over the trial court's resentencing order. Therefore, the Court treated the appeal as a petition for writ of habeas corpus, granted the petition, and directed the trial court to vacate appellant's October 2025 sentence and enter his original January 2024 sentence. (Michelle Spencer)

People v. Nay, H052666
Katja Grosch
April 28, 2026

The trial court sentenced appellant to state prison in two cases and in each case imposed $370 (for a combined total of $740) in restitution fines and court operations and court facilities assessments over counsel's inability-to-pay objection. After sentencing, the Supreme Court decided *People v. Kopp* (2025) 19 Cal.5th 1. The Court of Appeal remanded the matter so that appellant could assert that the minimum restitution fines and the minimum parole revocation fines violate the excessive fines clause and that his inability to pay bars the court operations and court facilities assessments. The Court directed the trial court to consider Justice Liu's concurrence in *Kopp*, which (1) suggested that the potential for future prison wages may not rebut a showing of indigency because prison jobs are not always available, they pay little, and prisoners often must use that pay to purchase necessities such as toothpaste and soap, and (2) that criminal defendants "should be presumed indigent if they receive public benefits, their income is below the federal poverty level, or they are represented by a public defender." (Jonathan Grossman)

People v. Garrett, H052885
Randall Conner (SDAP)
April 22, 2026

Appellant, serving an indeterminate "Three Strikes" sentence with a prior prison term enhancement, petitioned for section 1172.75 resentencing. The trial court denied appellant's petition on the grounds that CDCR had already released appellant to parole. Appellant appealed and the Attorney General conceded that section 1172.75 does not require a defendant, incarcerated and eligible for resentencing at the beginning of the resentencing process, to remain incarcerated until

resentencing. The Court of Appeal remanded the matter for resentencing but expressed no opinion on whether reduction of an indeterminate sentence entitles a parolee to termination or reduction of a parole term.

People v. Perez, H053314
Jyoti Malik
March 19, 2026

Appellant pleaded no contest to unlawful firearm possession and possession of a controlled substance for sale after the court denied his motion to suppress evidence. Police had stopped appellant in his minivan for a traffic infraction, found that he lacked a valid driving license, impounded his vehicle, and found drugs and cash when they searched the vehicle to inventory its contents. They subsequently found more drugs and a gun in appellant's hotel room. In a published opinion, the Court of Appeal reversed, reasoning police had impounded the minivan to prevent appellant from unlawfully driving it after being cited and released, but nothing had indicated that appellant could not arrange for its legal transport, or that it lacked registration, or that appellant had parked it in a high crime area. The Court reversed the judgment and remanded the matter with direction for the trial court to permit appellant to withdraw his no contest pleas. (Jonathan Grossman)

People v. Rincon, H052416
Paul Kraus
January 16, 2026

In May 2018, appellant pleaded no contest in two separate cases to second degree robbery and second-degree commercial burglary. In 2020, the trial court terminated appellant's probation and sentenced appellant to three years eight months in state prison. Appellant appealed and the Court of Appeal reversed and remanded for the trial court to make an eligibility determination for mental health diversion under section 1001.36. The trial court subsequently denied diversion and appellant appealed again. The Court of Appeal again reversed, accepting the Attorney General's concession that the trial court had erred in finding insufficient evidence that appellant's mental disorder played a significant role in the commission of the charged offenses in his cases. The Court reversed for the trial court to determine appellant's eligibility and suitability for diversion pursuant to section 1001.36. (Randall Conner)

SENTENCING.
People v. Garcia, H051911
Brad Kaiserman
May 26, 2026

In a second trial on sexual molestation counts, the jury convicted appellant of six counts listing various offenses against two minors. The trial court sentenced appellant to an indeterminate

term of 15 years to life in prison on count 1 (§ 288, subd. (a)), to consecutive determinate upper term of eight years in prison on count 5 (§ 289, subd. (j)) and to four concurrent indeterminate terms of 15 years to life in prison on counts 2, 3, 4 and 6 (§ 288, subd. (a)). Appellant argued that the trial court selected the upper term on count 5 based upon multiple sentencing factors when the jury had found a single sentencing factor proven. The Court of Appeal agreed, deciding the error was not harmless beyond a reasonable doubt, and it reversed the sentence on count 5 and remanded the case for resentencing. (Randall Conner)

People v. Reyes, H052776
Susannah McNamara
May 6, 2026

After the prosecution charged appellant with threatening a public official, the court found him eligible but unsuitable for mental health diversion. Appellant subsequently pleaded no contest and the court sentenced him to serve three years, with execution of sentence suspended and placement on probation for two years. The Court of Appeal found no evidence in the record establishing that the trial court had considered if appellant posed an unreasonable risk to public safety for purposes of section 1001.36. The Court remanded the case to the trial court for further consideration of appellant's suitability for mental health diversion with direction that "[t]o the extent the court exercises its residual discretion under section 1001.36, subdivision (a), it must take into account the Legislature's intent and the statute's underlying purposes." (Jonathan Grossman)

People v. Nay, H052666
Katja Grosch
April 28, 2026

The trial court sentenced appellant to state prison in two cases and in each case imposed $370 (for a combined total of $740) in restitution fines and court operations and court facilities assessments over counsel's inability-to-pay objection. After sentencing, the Supreme Court decided *People v. Kopp* (2025) 19 Cal.5th 1. The Court of Appeal remanded the matter so that appellant could assert that the minimum restitution fines and the minimum parole revocation fines violate the excessive fines clause and that his inability to pay bars the court operations and court facilities assessments. The Court directed the trial court to consider Justice Liu's concurrence in *Kopp*, which (1) suggested that the potential for future prison wages may not rebut a showing of indigency because prison jobs are not always available, they pay little, and prisoners often must use that pay to purchase necessities such as toothpaste and soap, and (2) that criminal defendants "should be presumed indigent if they receive public benefits, their income is below the federal poverty level, or they are represented by a public defender." (Jonathan Grossman)

People v. Rowland, H052708

Randall Conner (SDAP)
April 21, 2026

A jury found appellant guilty of felony driving under the influence and felony driving with a blood alcohol concentration of 0.08 percent or higher. The trial court suspended imposition of sentence and placed appellant on probation for five years. The Attorney General conceded that probation for appellant's offenses cannot exceed three years because the maximum sentence for the offenses cannot exceed three years. The Sixth District accepted that concession and remanded the matter to the trial court for resentencing.

People v. Rivera, H052201
Lisa Jensen
April 17, 2026

Appellant pleaded no contest to unlawfully causing a fire in one case and to carjacking in a second case. While the prosecutor and the court minutes indicated concurrent two-year probation terms, the plea form authorized three-year probation terms. The trial court sentenced appellant to serve concurrent, three-year probation terms. Appellant argued that his counsel provided ineffective assistance by failing to object to a material violation of the bargain. The Court of Appeal found that the trial court had imposed an unauthorized sentence because probation for unlawfully stating a fire cannot exceed two years. Because the bargain had contemplated an unauthorized sentence, the trial court should not have approved it. The Court reversed the probation orders and remanded the case with an order that the trial court withdraw its approval of the plea agreement. (Anna Stuart)

People v. Talivaa, H051950
People v. Haro, H052013
Michael Sampson (for Nathaniel Talivaa)
Sangeeta Sinha (for Raymond Haro)
March 16, 2026

A jury found each defendant guilty of murder (count 1) and conspiracy to commit murder (count 2). The trial court sentenced Talivaa to serve 50 years to life on count 1 with a firearm enhancement and to serve 50 years to life on count 2 with a firearm enhancement, with the sentence on count 2 served concurrently with the sentence on count 1. The court sentenced Haro to serve 26 years to life on count 1 with an armed principal enhancement and to serve 26 years to life on count 2 with an armed principal enhancement, with the sentence on count 2 served concurrently with the sentence on count 1. On appeal, Haro claimed that section 654 applied to counts 1 and 2. The Court of Appeal agreed that section 654 required the trial court to stay the punishment on count 1 or count 2 because the conspiracy count in this case did not include a broader objective than the commission of the first-degree murder. The Court also found that this conclusion also applied to Talivaa. However, the Court found remand for resentencing unnecessary because the count 1 punishment does

not differ from the count 2 punishment. Therefore, the Court ordered the judgment for each defendant modified to stay the punishment imposed on count 2. (Jonathan Grossman)

In re Y.D., H053097
Ashley Cameron
March 10, 2026

Appellant admitted a juvenile delinquency allegation that he committed second degree burglary. The juvenile court placed appellant on probation with terms and conditions requiring 381 days at a secure youth facility and completion of appropriate programs as directed by his probation officer. The Court of Appeal found the juvenile court had failed to explicitly declare the offense a felony or a misdemeanor, as required by statute. In addition, the juvenile court granted the probation officer unfettered discretion to determine the programs that appellant must complete. The Court reversed the disposition order and remanded the matter with directions to the juvenile court (1) to exercise its discretion under Welfare and Institutions Code section 702 to designate appellant's offense burglary as a misdemeanor or a felony and (2) to modify the probation condition regarding programming to specify the programs that the probation officer may direct appellant to participate in and complete. (Michelle Spencer)

People v. Orozco, H052263
Timothy Prentiss
February 20, 2026

In 2019, appellant pleaded no contest to multiple crimes in two cases and admitted a prior strike and a prior serious felony enhancement in exchange for a 25-year sentence. In 2022, the Court of Appeal reversed the judgment and remanded the matter for the trial court to consider striking the prior serious felony enhancement. On remand, the trial court declined to exercise its discretion to strike the enhancement. The Court of Appeal reversed again, reasoning that the trial court had not discussed public safety in its findings, and that the record did not establish that the trial court engaged in holistic balancing on aggravating and mitigating factors with a "special emphasis" on the "enumerated mitigating factors" described in section 1385, subdivision (c). (Anna Stuart)

People v. Rodriguez, H052851
Steven Torres
February 10, 2026

A jury found defendant guilty of inflicting corporal injury on a person in a dating relationship and assault likely to cause great bodily injury and found enhancements for infliction of great bodily injury and a prior domestic violence conviction proven. The trial court found that appellant's prior conviction for conspiracy with a gang enhancement qualified as a "prior strike" and sentenced

appellant to serve 11 years. On appeal, appellant argued, and the Attorney General conceded, that Assembly Bill No. 333's amendments to section 186.22 applied to appellant's prior strike. The Court of Appeal accepted the concession, vacated the prior strike finding, and remanded the matter to the trial court with instructions to determine whether the prior conviction qualifies as a serious or violent felony under section 1192.7, subdivision (c)(28) for purposes of the Three Strikes Law and, if necessary, to resentence appellant. (Randall Conner)

People v. Smith, H052440
Michelle Spencer (SDAP)
February 9, 2026

A jury found defendant guilty of two counts of grand theft and two counts of embezzlement and found a sentencing enhancement proven for offenses involving an aggregate taking of more than $100,000 but not more than $500,000. The trial court sentenced defendant to a 16-month lower term for grand theft plus two years for the enhancement. In her appeal, defendant argued that the Court should reduce the enhancement to one year because the jury had not found that the taking exceeded $200,000, the amount required for a two-year term. The Court of Appeal agreed, reversed the judgment and remanded the matter for a new sentencing hearing.

People v. Medina, H051661
Maggie Shrout
February 9, 2026

A jury found defendant guilty of second-degree robbery and conspiracy to commit that crime, and the trial court found two prior strikes proven and sentenced defendant to prison for 25 years to life. The prior strikes consisted of a 2015 conviction for vehicle theft with a gang enhancement and a 2018 conviction for participation in a criminal street gang. Following remand by the California Supreme Court, the Court of Appeal decided the trial court had not evaluated whether the conduct underlying the prior convictions would violate section 186.22 as amended by Assembly Bill No. 333. The Court therefore reversed the judgment and remand the matter for the trial court to apply the elements of section 186.22 as amended. (Jonathan Grossman)

People v. Esquivel, H049721
People v. Deanda, et al. H049784
John Dwyer (for Luciano Esquivel)
Jeffrey Kross (for Richard Deada)
Michael Sampson (for Luis Bracamonte)
February 4, 2026

A jury found Esquivel guilty of two murders, attempted murder, assault with a deadly

weapon, second degree robbery and participation in a criminal street gang and found Bracamonte and Deanda guilty of three counts of assault with a deadly weapon and participation in a criminal street gang. The jury found gang special circumstances proven as to Esquivel and found various gang enhancements proven as to all defendants. The trial court sentenced Esquivel to two consecutive terms of life in prison without the possibility of parole consecutive to a determinate term of 40 years for his convictions, staying under section 654 a six-year sentence for active participation in a criminal street gang. The trial court sentenced both Deanda and Bracamonte to a total term of eight years each, staying under section 654 their 16-month sentences for active participation in a criminal street gang. In the appeal, the Court of Appeal accepted the Attorney General's concession that Assembly Bill No. 333's amended definition of a criminal street gang applies retroactively to each defendant and that any error in instructing the jury on the prior definition of a criminal street gang is not harmless, requiring reversal of the defendants' gang enhancements, gang special circumstances, and substantive gang offenses. The Court remanded the case for full resentencing, independent of the prosecution's election whether to pursue the gang charge or enhancements on remand. (Jonathan Grossman)

People v. Marquez, H052102
Jeffrey Glick
January 23, 2026

A jury convicted appellant of residential burglary and receiving stolen property and found true an allegation that during the burglary someone other than an accomplice was present. The trial court additionally found three prior strike allegations proven and five prior serious felony and five prior prison term enhancements proven. The court sentenced appellant to a total term of 44 years to life in prison. In 2022, the trial court struck a one-year prior prison term enhancement but declined further resentencing. The Court of Appeal remanded for further resentencing. The trial court resentenced appellant to serve 35 years to life. On appeal, the parties agreed that under *People v. Superior Court (Guevara)* (2025) 18 Cal.5th 838, the trial court must determine whether it should reduce the sentence from the previously required mandatory 25 years to life to a sentence of double the punishment for the offense, in accordance with the Three Strikes Reform Act of 2012. The parties also agreed that in making this decision, the trial court should consider whether reduction of the sentence in this manner would pose an unreasonable risk of danger to public safety, as provided under section 1170.126, subdivision (f). The Court of Appeal also found that the trial court must consider all prior sentencing decisions. (Anna Stuart)

People v. Ledezma, H051773
Karriem Baker
January 20, 2026

A jury convicted appellant of attempted murder and three other offenses resulting from a gang-motivated shooting and appellant admitted three sentencing factors in aggravation. The court

sentenced appellant to an aggregate term of 29 years four months, including upper term sentences for three counts. Appellant argued that the trial court considered the factors he had admitted and four additional factors that he had not admitted. The Court of Appeal agreed and found a reasonable probability the court would have imposed a lesser sentence absent the error. The Court reversed and remanded the case for reconsideration of the sentence. (Michelle Spencer)

DEPENDENCY CASES

In re A.L., H053519
Carol Koenig
February 23, 2026

At the 18-month family maintenance review, the juvenile court terminated dependency jurisdiction, granted legal and physical custody of A.L. to father, and ordered a minimum of one supervised visit per week to mother. The court further ordered that "Prior to any order for unsupervised visits, Mother must demonstrate 60 days of positive communication with the Father on My Family Wizard, or other application; Mother must demonstrate engagement with a psychiatrist, and that she is following the recommendations of the psychiatrist; Mother must demonstrate a minimum of 60 days of sobriety, and engagement with [substance use disorder] services." The Court of Appeal found that the exit order improperly conditioned the family court's future ability to modify the order upon mother's compliance with the juvenile court's collateral orders. The Court modified the exit order to delete the words "[p]rior to any order for unsupervised visits" and otherwise affirmed. (Anna Stuart)

In re H.C., H053008
Elizabeth Klippi
February 11, 2026

After the dependency court issued an exit order awarding father sole legal and physical custody of H.C. and granting mother supervised visitation, mother challenged a provision in the order that requires mother's visits with H.C. to be "[s]upervised by the father or a person within his support network." The Court of Appeal decided the order "did not specify the extent of visits" and therefore "effectively gives father the power to decide whether visitation will occur at all." The Court reversed the exit order and remanded the matter to the juvenile court with directions to specify the frequency and duration of mother's visits with minor. (Anna Stuart)

In re E.F., H053615
Michelle Jarvis (for Father)
Sarah Vaona (for Mother)
February 10, 2026

Father and mother appealed from the family court's order declaring their six-year-old child,

E.F., free from their parental custody and control, contending that the dependency court erred in finding adequate compliance with the Indian Child Welfare Act (ICWA) and related California law. The Court decided the record in the family law action reflected no inquiry by the trial court, the court-appointment investigator, or the parties into whether E.F. is, or may be, an Indian child. The Court conditionally reversed the juvenile court's order and remanded the matter for the limited purpose of ensuring compliance with the inquiry and documentation provisions of ICWA and rule 5.481, with instructions that the court shall reinstate its order if it concludes that ICWA does not apply but proceed in conformity with ICWA it concludes that ICWA applies. (Anna Stuart, Randall Conner)

In re L.C., H052630
Tyler Moran
February 4, 2026

The juvenile court found that appellant had used a knife to commit a robbery, adjudged him a ward, granted probation with wraparound services, and ordered him to serve a term on electronic monitoring. The Court of Appeal found that appellant's folding knife, clipped to the inside of his front pants pocket, had scared the victim, but appellant had not touched, looked at, or reached for the knife when he robbed the victim. The Court concluded that no sufficient evidence permitted a fact finder to reasonably infer that appellant engaged in a deliberate display of the knife, intended to convey menace, for the purpose of advancing the commission of the robbery. The Court reversed the juvenile court's order, vacated the true finding that appellant used a deadly or dangerous weapon and remanded the case with instructions to strike the deadly weapon allegation and to hold a new disposition hearing.

In re T.C., H052285
Leslie Barry (Mother), Anna Stuart (Father)
January 13, 2026

In early November 2023, the Santa Clara County Department of Children and Family Services (Department) took custody of then one-year-old T.C. after Mother's arrest for child abuse and several drug related offenses. In March 2025, the juvenile court conducted a section 366.26 permanency hearing. Following the contested hearing, the juvenile court ordered Mother's and Father's parental rights terminated and selected a permanent plan of adoption for T.C. Father and Mother contended on appeal that the juvenile court had erred in finding that ICWA did not apply because the Department had failed to comply with its initial duty of inquiry under ICWA by not adequately inquiring of either parent or extended relatives about T.C.'s possible Indian ancestry. The Court of Appeal agreed, reasoning that the record does not demonstrate that the Department complied with a juvenile court order to expand the scope of its inquiry to comply with its continuing duty of inquiry. The Court conditionally reversed the order terminating Father's and Mother's parental rights and remanded the matter to the juvenile court with instructions to order the

Department to comply with the inquiry requirements of ICWA.

HABEAS CORPUS
In re Martinez, H053824
Aimee Solway
April 6, 2026

In 2011, appellant pleaded guilty to two counts of murder, two counts of attempted murder, and to related counts and enhancements. The trial court sentenced appellant to serve 40 years to life. In April 2025, a former co-defendant testified against appellant in a section 1172.6 evidentiary hearing. The trial court denied appellant's petition and two weeks later, authorities released the former co-defendant from custody. Appellant argued in a petition for writ of habeas corpus that the District Attorney had failed to disclose that the co-defendant had requested that the District Attorney recommend resentencing pursuant to the statute now codified as section 1172.1. The Court of Appeal issued an order to show cause why appellant is not entitled to relief to remedy a violation of the rule of Brady v. Maryland (1963) 373 U.S. 83 on the ground that, prior to the section 1172.6 evidentiary hearing, the prosecution had failed to disclose the co-defendant's request that the District Attorney recommend him for resentencing under the statutory provision now codified as 1172.1. (Michelle Spencer)

MISCELLANEOUS