

FIRST DISTRICT APPELLATE PROJECT

**APPELLATE REPRESENTATION
TRAINING SEMINAR
APRIL 26, 2024**

**RECENT LEGAL DEVELOPMENTS IN
CRIMINAL, DELINQUENCY &
CIVIL COMMITMENT LAW:
SELECTED CASES**

**Stephanie Clarke And Dominique Armstrong
Staff Attorneys
First District Appellate Project**

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RESENTENCING (1172.75)

***People v. Newell* (2023) 93 Cal.App.5th 265 [B320195]** – only CDCR may initiate a resentencing under PC 1172.75.

***People v. Kimble* (2023) 99 Cal.App.5th 756 [C097389]** – SB 483 does not allow a defendant to bypass the Prop 36 resentencing mechanism.

***People v. Coddington* (2023) 96 Cal.App.5th 562 [A166124]** – prosecution may elect to withdraw from a plea agreement if a trial court decides to further reduce a defendant’s sentence at the resentencing hearing.

***People v. Renteria* (2023) 96 Cal.App.5th 1276 [H049980]** – full resentencing hearing is required where the sentence includes stayed sentencing enhancements.

***People v. Rhodius* (2023) 97 Cal.App.5th 38 [E080064]** – the term imposed as used in 1172.75 applies only to sentence that are “imposed and executed.”

Review Grant: *People v. Rhodius* [S283169] - “Does SB 483 entitle a defendant to a full resentencing hearing under PC 1172.75 if the defendant’s prior prison term enhancements were imposed and stayed, rather than imposed and executed?”

***People v. Christianson* (2023) 97 Cal.App.5th 300 [D081330]** – 1172.75 is not limited to enhancements that were imposed and then executed.

Review Grant: *People v. Christianson* [S283189] – briefing deferred pending decision in *People v. Rhodius*, S283169.

***People v. Saldana* (2023) 19 Cal.App.5th 432 [C097966]** – defendant is entitled to full resentencing hearing under PC 1172.75 if the now invalid prison prior enhancements were imposed and stayed.

Review Grant: *People v. Saldana* [S283547] – briefing deferred pending decision in *People v. Rhodius*, S283169.

***People v. Velasco* (2023) 97 Cal.App.5th 663 [D081230]**– a full resentencing hearing is required, and defendants have a right to be present for the hearing.

***People v. Superior Court (Guevara)* (2023) 97 Cal.App.5th 978 [B329457]** – a trial court is not required to modify a third strike sentence

where the defendant's petition for resentencing under Prop 36 was already denied on public safety grounds.

Review Grant: *People v. Superior Court (Guevara)* [S283305] - Do the revised penalty provisions of the Three Strikes Reform Act of 2012 (Pen. Code, § 1170.12) apply when a defendant is resentenced pursuant to Senate Bill No. 483 (Pen. Code, § 1172.75)?"

***People v. Carter* (2023) 97 Cal.App.5th 960 [D082219]** – the full resentencing provisions of 1172.75 apply to all sentences, including stipulated sentences.

VICTIM RESTITUTION

***People v. Pittman* (2024) 99 Cal.App.5th 1252 [A166669]** –

No abuse of discretion where trial court set amount of victim restitution based on victim's estimates of property value contained within probation report, but refused to order additional restitution for alleged damage to property where unsupported by proof of damage or repair costs.

***People v. Evers* (2023) 97 Cal.App.5th 551 [A164989]** –

15 percent administrative fee attached to defendant's victim restitution order stricken where applicable statute (former PC 1203.1(l)) repealed by AB 177. Defendant's ability-to-pay challenge to restitution fine (PC 1202.4(b)) was forfeited by failure to object, and forfeiture not overcome by later PC 1237.2 motions filed by appellate counsel in the trial court.

***H.B. v. Superior Court* (2023) 97 Cal.App.5th 341 [A168069]** –

Writ of mandate granted ordering restitution for money earned by victim but taken by pimp during forced prostitution of victim of human trafficking. Court finds plain language and legislative history of PC 1202.4(p), as well as public policy, support conclusion that statute authorizes restitution for forced prostitution earnings.

***People v. Gomez* (2023) 97 Cal.App.5th 111 [A164374]** –

Trial court abused its discretion by ordering noneconomic restitution to victim of child sex offense pursuant to PC 1202.4(f)(3)(F), where there was no evidence of emotional harm caused by appellant's crimes on the victim. Award lacked factual basis where trial court relied exclusively on its

experience and “common sense” regarding harm caused by similar incidents, not on evidence of harm incurred by the actual victim.

People v. LaRoche (2023) 96 Cal.App.5th 1020 [C097431] --

Trial court order awarding \$7,500 in victim restitution for loss of mounted ram’s head improperly included cost of associated hunting trip because hunting trip not “property lost” as result of appellant’s criminal conduct; award reduced to value of ram’s head.

People v. Shah (2023) 96 Cal.App.5th 879 [A162676] --

PC 186.11 “Freeze and Seize” law for white collar crimes permitted order freezing and seizing defendant’s property, despite order being entered post-sentencing and after remittitur was issued in the original direct appeal in the case.

People v. Suazo (2023) 95 Cal.App.5th 681 [F082140] --

Tractor supply company was commercial entity entitled to direct victim restitution for damages incurred to property where DUI *Watson*-murder defendant drove off highway, crashed through fence and into company equipment, ejecting and killing the passenger.

People v. Narro (2023) 95 Cal.App.5th 316 [E079444] --

Restitution order to child sex victims’ mother to replace undamaged furniture evoking painful memories of molestation upheld as proper noneconomic losses under PC 1202.4(f)(3)(F), where losses “need not be tied to any specific damages,” and victims “could have requested a much higher amount based on the years of sexual abuse.”

People v. Rojas (2023) 95 Cal.App.5th 48 [B325493] --

Excess custody credits must be applied to satisfy restitution and parole revocation fines, but not nonpunitive assessments, upon resentencing following successful 1172.6 petition.

People v. Valle (2023) 93 Cal.App.5th 1329 [C097090] --

Victim not entitled to restitution for the full purchase price of phone retained by defendant following a domestic incident, where phone returned undamaged and no evidence presented regarding loss in value between time of purchase and time phone was returned.

***People v. Marquez* (2023) 93 Cal.App.5th 704 [D080411] --**

Victim restitution order not subject to *People v. Arbuckle* (1978) 22 Cal.3d 749 such that same judge who accepted guilty plea and imposed sentence was required to determine amount of victim restitution because restitution is outside scope of discretionary sentencing choices which are inherently significant factors in a defendant's decision to enter a guilty plea.

Victim Restitution – First District Unpublished Cases

***People v. Johnson* (2024 WL 631006) [A166959, Div. 1] –**

Noneconomic damage victim restitution award of \$10,000 pursuant to PC 1202.4(f)(3)(F) constituted abuse of discretion where no evidence offered in support of harm incurred by the victim of child sex abuse; assumption there must have been “some harm” to victim unsupported by any evidence; matter remanded for further restitution proceedings.

***People v. Romero-Lopez* (2023 WL 8270229) [A164936, Div. 4] --**

Abuse of discretion to order victim restitution for noneconomic damages pursuant to PC 1202.4(f)(3)(F) where no evidence of impact of appellant's crimes on victim. No rational basis for court's award of \$400,000 (\$100,000/yr for approximately five years of abuse) where no declaration by victim, no independent documentation, or no professional evaluations offered in support of emotional damage inflicted. Matter remanded for further restitution proceedings.

***In re A.F.* (2023 WL 4992705) [A165504, Div. 2] --**

Victim restitution award for \$1,700 full retail price of stolen leggings from Lululemon reversed where no evidence that items could not be resold for full value, and proper valuation of loss was the wholesale, rather than retail, value of items.

RACIAL JUSTICE ACT (RJA)

***Bonds v. Superior Court* (2024) 99 Cal.App.5th 821 [D082187]–** lower court erred by failing to consider the possibility that implied bias was implicated in a traffic stop.

***Mosby v. Super. Ct.* (2024) 99 Cal.App.5th 106 [E080924] –** to establish a prima facie case under RJA, PC 745(a)(3) requires the defendant to establish that they were similarly situated to and engaged in conduct similar to that of,

nonminority defendants who were charged with lesser crimes, and there was a racial disparity in the prosecution's charging system.

***People v. Lashon* (2024) 98 Cal.App.5th 804 [A163074]** – following remand from the Supreme Court of California with instructions to record its original opinion in light of AB 118 amendments to RJA, the court finds that appellant forfeited her claim of implicit racial bias by failing to file a motion under RJA before judgment was entered.

***People v. Simmons* (2023) 96 Cal.App.5th 323 [B309921]** – arguments that a defendant is lying based on skin tone and ethnic presentation violate the RJA and trial counsel is ineffective if they do not raise the violation at sentencing.

***Finley v. Superior Court* (2023) 95 Cal.App.5th 12 [A167311]** – the RJA prima facie standard is less stringent than in habeas proceedings and requires only a substantial likelihood the RJA has been violated.

***People v. Coleman* (2024) 98 Cal.App.5th 709 [A165198]** – trial counsel's asking a defendant to speak if his/her own voice does not indicate bias or animus because of race, ethnicity, or national origin.

POST-BRUEN 2ND AMENDMENT CHALLENGES

***People v. Mosqueda* (2023) 97 Cal.App.5th 399 [C097326]** –

California's concealed-carry licensing scheme not unconstitutional; PC § 26150 provides means to exercise 2nd Amend. right granted in *Bruen* to possess handgun in public for self-defense.

***People v. Allen* (2023) 96 Cal.App.5th 573 [E079475]** –

Possession of controlled substances while armed (Health & Saf. Code, § 11370.1) remains constitutional after *Bruen* where 2nd Amend. protects "law abiding citizens only," not right to carry a gun while engaged in criminal conduct.

***People v. Ceja* (2023) 94 Cal.App.5th 1296 [G061609]** –

Felon in possession of firearm (PC § 30305) does not violate 2nd Amend.; only law abiding citizens have right to bear arms and felons are not law abiding.

***People v. Miller* (2023) 94 Cal.App.5th 935 [C097229] –**

Carrying concealed firearm (PC § 25400) does not violate 2nd Amend. where concealed firearm prohibitions historically permitted.

***In re T.F.-G.* (2023) 94 Cal.App.5th 893 [H050112] –**

Unlicensed carrying loaded firearm in public (PC § 25850) not unconstitutional on its face, exists within framework of exemptions involving discretionary licensing process; *Bruen* does not support complete ban on states' authority to require licenses.

***In re D.L.* (2023) 93 Cal.App.5th 144 [A164432] –**

California's firearm licensing scheme remains valid after *Bruen* following severance of "good cause" requirement; possessing loaded firearm (PC § 25850) does not violate 2nd Amend.

***People v. Odell* (2023) 92 Cal.App.5th 307 [B319448] –**

Felon in possession of a firearm (PC § 29800) does not violate 2nd Amend. because felons are not law abiding, a requirement for the right to keep and bear arms.

***People v. Bocanegra* (2023) 90 Cal.App.5th 1236 [C095234] –**

Possession of assault weapons (PC § 30605) does not violate 2nd Amend. where amendment does not extend to weapons not typically possessed by law-abiding citizens for lawful purposes; *Bruen* did not create new test, only applied and clarified standard set forth in *Heller* permitting use of weapons in common use for lawful purposes.

GANG ENHANCEMENTS (AB 333)

***People v. Superior Court (Farley)* (2024) 100 Cal.App.5th 315**

[A168018] – the court refused to establish a rigid set of criteria to determine whether a group is organized, thus, there is a low evidentiary bar to prove a group is organized.

***People v. Clark* (2024) 15 Cal.5th 743 [S275746]** – under PC 186.22(e)(1) as amended by AB 333, predicate offenses constituting a pattern of criminal gang activity may include offenses that were committed on separate occasions or by two or more members of the gang, resolving a split of authority in the Courts of Appeal.

Chavez v. Superior Court (2024) 99 Cal.App.5th 165 [B332361] – a trial court may resubmit a crime or enhancement to the grand jury to permit the People to present evidence relevant to new elements of the crime or enhancement added by our Legislature after the initial grand jury proceeding.

People v. Gonzalez (2024) 98 Cal.App.5th 1300 [F084652] – if a conviction qualified as a strike on the date of conviction, it remains a strike, regardless of AB 333 amendments to PC 186.22.

People v. Campbell (2023) 310 Cal.Rptr.3d 364 [A162472] – AB 333’s amendments to PC 186.22 require reversal and retrial on the gang-related firearm enhancements (PC 12022.53(e)) and gang-murder special circumstances (PC 190.2(a)(22)).

People v. Rojas (2023) 15 Cal.5th 561 [S275835] – AB 333 did not unlawfully amend Prop 21.

People v. Mitchell (2023) 97 Cal.App.5th 1127 [F084489] – “The cutoff point for application of ameliorative amendments is the date when the entire case or prosecution is reduced to a final judgment.”

People v. Trent (2023) 96 Cal.App.5th 33 [C096306] – AB 333 applies retroactively to all nonfinal judgments

Review Grant: *People v. Trent* [S282644] – Further action in this matter is deferred pending consideration and disposition of related issues in *People v. Lopez*, S281488, and *People v. Arellano*, S277962

People v. Aguirre (2023) 96 Cal.App.5th 488 [B323282] – if the conviction qualified as a strike on the date of conviction, it continues to qualify as a strike under the Three Strikes Law

Review Grant: *People v. Aguirre* [S282840] – Further action in this matter is deferred pending consideration and disposition of a related issue in *People v. Fletcher*, S281282

People v. Lopez (2023) 93 Cal.App.5th 1110 [E080032] – Trial court does not have jurisdiction to re-adjudicate a gang enhancement

- **Review Grant: *People v. Lopez* [S281488]** – Is defendant entitled to retroactive application of Assembly Bill No. 333 (2021-2022 Reg. Sess.) where he appeals for a second time after his judgment was

conditionally reversed and the Court of Appeal issued a limited remand to the trial court to address sentencing issues?”

***People v. Fletcher* (2023) 92 Cal.App.5th 1374 [E077553]** – AB 333’s amendments to PC 186.22 apply retroactively and reverse gang convictions and enhancements, but it does not require reversing prior serious felony enhancements or prior strike allegations predicated on PC 186.22.

- **Review Grant: *People v. Fletcher* [S281282]** – (1) Does Assembly Bill No. 333 amend the requirements for a true finding on a prior strike conviction (Pen. Code, §§ 667, subs. (b)-(i) & 1170.12, subs. (a)-(d)) and a prior serious felony conviction (Pen. Code, § 667, subd. (a)), or is that determination made on “the date of that prior conviction”? (See Pen. Code, §§ 667, subd. (d)(1) & 1170.12, subd. (b)(1).) (2) Does Assembly Bill No. 333 (Stats. 2021, ch. 699), which modified the criminal street gang statute (Pen. Code, § 186.22), unconstitutionally amend Proposition 21 and Proposition 36, if applied to strike convictions and serious felony convictions?”

***People v. Cooper* (2023) 14 Cal.5th 735 [S273134]** – jury instructions should include amendments to PC 186.22 that a criminal street gang requires proof that the predicate offenses have “commonly benefitted” the gang in whole or in part.

***People v. Scott* (2023) 91 Cal.App.5th 1176 [E078721]** – prior strike conviction remains a strike if it was a strike on the date of conviction regardless of AB 333’s amendments.

Review Grant: *People v. Scott* [S280776] – Further action in this matter is deferred pending consideration and disposition of a related issue in *People v. Fletcher*, S281282

***Mendoza v. Superior Court* (2023) 91 Cal.App.5th 42 [F084354]** – changes to the elements of gang-related charges apply retroactively.

JUVENILE

***In re J.S.* (2024) 100 Cal.App.5th 246 [C099115]** – WIC 786 precludes relief only where the finding was due to a felony or misdemeanor involving moral turpitude. If the finding was for a misdemeanor that did not involve moral turpitude, the juvenile court must determine whether the youth

satisfactorily completed probation by substantially complying with the conditions of probation.

***In re M.B.* (2024) 99 Cal.App.5th 435 [A166408]** – the maximum term of confinement for DJJ commitments is the maximum term of confinement set in the SYTF context under WIC 875(c).

***In re K.B.* (2024) 99 Cal.App.5th 348 [C098376]** – WIC 786(c)(1)'s definition of “satisfactory completion of probation” includes situations where the juvenile had an adjudication for an infraction.

***In re Tony R.* (2023) 98 Cal.App.5th 395 [A166850]** – juvenile is not automatically entitled to reduction in the baseline term of confinement after proving the juvenile has preformed well on the rehabilitation plan.

***In re J.P.* (2023) 94 Cal.App.5th 74 [E080284]** – WIC 782 authorizes a juvenile court to dismiss a 602 petition in whole or in part.

***In re A.B.* (2023) 94 Cal.App.5th 82 [A165499]** – WIC 781 does not bar a subsequent supplemental or amended petitions to seal juvenile court records.

***In re Jonathan C.M.* (2023) 91 Cal.App.5th 1039 [A165931]** – whether remaining under juvenile court jurisdiction is in the nonminor's best interests should be considered in any hearing which termination of jurisdiction is considered.

***In re F.M.* (2023) 14 Cal.5th 701 [S270907]** – the forfeiture rule should not be applied to WIC 702 errors, as most such errors arise from the juvenile court not understanding its statutory duty to act.

***In re T.A.* (2023) 307 Cal.Rptr.3d 43 [E079346]** - AB 2361, which amended WIC 707's procedures for transferring a minor from juvenile to adult criminal court, applies retroactively.

Review Grant: *In re T.A.* [S279635]: The matter is transferred to the Court of Appeal, Fourth Appellate District, Division Two, with directions to vacate its decision and reconsider the cause in light of *In re F.M.* (2023) 14 Cal.5th 701, 712-716 and *In re E.P.* (2023) 89 Cal.App.5th 409, 416.

PENAL CODE § 1172.6

***People v. Curiel* (2023) 15 Cal.5th 433 –**

An intent to kill finding does not itself conclusively establish petitioner is ineligible for relief under § 1172.6.

***People v. Hollywood* (2024) 100 Cal.App.5th 66 –**

Aiding and abetting an enumerated felony under section 189 with the intent to kill suffices to constitute felony murder under section 189, subd. (e)(2) and precludes petitioner from relief.

***People v. Lopez* (2024) 99 Cal.App.5th 1242 –**

SB 1437 does not abrogate the doctrine of transferred intent; no indication Legislature’s elimination of the natural and probable consequences doctrine was also intended to abolish the doctrine of transferred intent.

***People v. Gaillard* (2024) 99 Cal.App.5th 1206 –**

Guilty plea to aiding and abetting voluntary manslaughter does not establish ineligibility from relief where theory of aiding and abetting not admitted to or where malice not shown from the record.

***People v. Patterson* (2024) 99 Cal.App.5th 1215 –**

Section 1172.6 permits redesignation of felony-murder conviction only to the underlying felony or felonies on which the felony-murder conviction was actually based.

***People v. Mares* (2024) 99 Cal.App.5th 1158 –**

Petitioner failed to make prima facie showing where petition alleges no facts concerning the murder, the People introduce without objection uncontroverted evidence from preliminary hearing showing petitioner acted alone in killing victim, and petitioner fails to set forth any factual or legal theory showing entitlement to relief.

***People v. Medrano* (2024) 98 Cal.App.5th 1254 –**

Relief unavailable to petitioner concurrently convicted of first-degree murder and conspiracy to commit first degree murder where both convictions involve the same victim and conspiracy conviction shows intent to commit first degree murder.

People v. Fouse (2024) 98 Cal.App.5th 1131 –

Courts cannot redesignate attempted murder convictions to other offenses if target offenses were charged.

People v. Underwood (2024) 99 Cal.App.5th 303 –

Standard of Proof during D3 hearing is beyond a reasonable doubt.

People v. Campbell (2023) 98 Cal.App.5th 350 –

Intent to kill findings do not preclude relief at the prima facie stage; gang special circumstance finding showed finding of intent to kill, but did not establish mens rea or actus reus of murder.

People v. Berry-Vierwinden (2023) 97 Cal.App.5th 921 –

Petitioner cannot establish prima facie case where convicted of aiding and abetting first-degree murder and committed by means of lying-in-wait where no felony-murder or NPC instructions given and law at time of trial did not permit direct aider and abettor to be convicted of lying-in-wait murder on an imputed malice theory.

People v. Foley (2023) 97 Cal.App.5th 653 –

Joint representation of defendant and co-defendant at D3 hearing was actual conflict of interest under 6th Amend., no prejudice showing needed.

People v. Reyes (2023) 97 Cal.App.5th 292 --

Section 1172.6 does not apply to defendants convicted under current (post-SB 1437) law regarding murder.

People v. Hollie (2023) 97 Cal.App.5th 513 --

Order vacating murder conviction under section 1172.6 does not entitle a petitioner to finding of factual innocence or exonerate petitioner from murder.

People v. Flores (2023) 96 Cal.App.5th 1164 --

Petitioner convicted of provocative act murder ineligible for relief under section 1172.6 where law has always required defendants or accomplices who commit a provocative act to harbor malice.

People v. Allen (2023) 97 Cal.App.5th 389 --

Conspiracy to commit murder necessary requires an intent to kill, making petitioner ineligible for relief.

People v. Das (2023) 96 Cal.App.5th 954 --

Where defendant does not personally stipulate to the factual basis of a plea, record of conviction not sufficient to refute the petition and defendant entitled to full D3 hearing.

People v. Quan (2023) 96 Cal.App.5th 524 --

Petitioner had a constitutional right to be present at hearing and never waived his right to be personally present where no evidence of his waiver appeared in the record other than counsel's assertion.

People v. Pittman (2023) 96 Cal.App.5th 400 --

Trial court must consider petitioner's youth at time of the offense when assessing whether petitioner formed requisite mental state.

People v. Trent (2023) 96 Cal.App.5th 33 --

Once 1172.6 petition is granted, the judgment is no longer final for purposes of *Estrada* retroactivity and petitioner is entitled to ameliorative legislation, including AB 333 relief.

Sandoval v. Superior Court (2023) 95 Cal.App.5th 1274 --

Remand for reconsideration of 1172.6 petition after trial court's previous denial is not considered a new trial for purposes of 170.6 (a)(2) and did not disqualify same judge from future proceedings in the case.

People v. Lee (2023) 95 Cal.App.5th 1164 --

Petitioner not ineligible as a matter of law where he was convicted of provocative act murder before it required a defendant to harbor an intent to kill.

People v. Davenport (2023) 95 Cal.App.5th 1150 --

Trial court may admit witness testimony at D3 hearing if it is admissible under current law; hearsay statements admitted at preliminary hearing under section 872(b) inadmissible unless they fall under another hearsay exception.

***People v. Bratton* (2023) 95 Cal.App.5th 1100 --**

Trial court may not consider facts stated in an appellate opinion to deny relief.

***People v. Burns* (2023) 95 Cal.App.5th 862 --**

Instructional errors in original trial must be raised on an appeal; 1172.6 does not create a right to a second appeal and now-disapproved instruction regarding aiding and abetting (CALCRIM 400) does not entitle petitioner to relief.

***People v. Saavedra* (2023) 96 Cal.App.5th 444 --**

Factual basis for defendant's guilty plea may establish he is ineligible as a matter of law; admission of factual basis that he was the shooter who acted with malice aforethought enough to preclude relief.

***People v. Bodely* (2023) 95 Cal.App.5th 1193 --**

The trial court properly denied the petition because facts in the record of conviction established he was the actual killer and had personally killed the victim.

***People v. Rojas* (2023) 95 Cal.App.5th 48 --**

Appellant entitled to actual custody credits for both the time served prior to the original sentencing and the time spent in prison custody prior to the resentencing hearing, and that any excess credits should be applied in satisfaction of his restitution and parole revocation fees, but not nonpunitive assessments and parole; trial court was correct to reimpose the direct victim restitution previously ordered.

***People v. Njoku* (2023) 95 Cal.App.5th 27 --**

Prosecution not required to introduce live testimony at D3 evidentiary hearing and absence of live testimony does not violate due process.

***People v. Vance* (2023) 94 Cal.App.5th 706 --**

Trial court's use of a substantial evidence test is not reversible per se, petitioner must show would have been entitled to relief under correct beyond a reasonable doubt; use of prior appellate opinion without objection constitutes substantial evidence.

***People v. Fisher* (2023) 95 Cal.App.5th 1022 --**

Trial courts may properly rely on plea colloquy as part of the record of conviction; petitioner was only person charged and admitted he shot and killed the victims.

***Torres v. Superior Court* (2023) 94 Cal.App.5th 497 --**

Appellate remand for reconsideration of 1172.6 petition does not constitute a “new trial” within the meaning of Code of Civil Procedure section 170.6(a)(2), petitioner not permitted to challenge trial judge who had previously denied the petition.

***People v. Del Rio* (2023) 94 Cal.App.5th 47 --**

Prosecution must provide notice of offense it intends to redesignate as the offense of conviction so that petitioner may contest the true nature of the underlying felony or target offense.

[1172.6 – First District Unpublished Cases](#)

***People v. Cendejas* (2023 WL 8723603) [A164178, Div. 1] --**

Petitioner entitled to new evidentiary hearing where trial court relied on now-inadmissible hearsay testimony admitted at preliminary hearing in denying relief.

***People v. Ramirez* (2024 WL 747337) [A165866, Div. 4] --**

Trial court erred in finding defendant was major participant in underlying armed robbery who acted with reckless indifference to human life by failing to address his age (16) at the time offenses committed.

[CIVIL COMMITMENT/MENTAL HEALTH](#)

***Conservatorship of K.Y.* (2024) 100 Cal.App.5th 985 --**

Appeal from order granting conservatorship dismissed as moot where 1-year order expired before briefing complete. Court opines mootness can be avoided by using procedures for expediting resolution, including motion for calendar preference under rule 8.240. EOT requests should inform court of conservatorship expiration date so that court may properly evaluate good cause showing.