

CAPITAL CASE AFFIRMED

People v. Winbush - Filed Jan. 26, 2017, in S117489 [2017 WL 371388; 2017 Cal.Lexis 575].

Facts: Ten days after being released from CYA, def. and an accomplice robbed, beat, strangled, and fatally stabbed a young woman in her home while her boyfriend was out Christmas shopping. The boyfriend, def.'s childhood acquaintance, was avoiding def. who had spent two days bullying him for a gun. Def. had a long history of violent criminal conduct in and out of custody that continued through trial.

Held: (1.) Denial of def.'s *Batson-Wheeler* challenges was proper and statistical evidence of underrepresentation does not establish pretext. (2.) Placing a bailiff near def. without an individualized assessment of security was harmless error. (3.) It was not error for the prosecutor to cross-examine def.'s learning disability expert about Antisocial Personality Disorder as the expert relied on the DSM—which describes Antisocial Personality Disorder—in forming her opinion that def. suffered from ADHD. (4.) Other standard death penalty claims rejected.

ALAMEDA COUNTY - CAPITAL MURDER; ROBBERY SPECIAL CIRCUMSTANCE - AFFIRMED

SF2003XS0002 - [REDACTED]

[REDACTED]