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**May 24-26, 2022**

**?? Key Cases**

? CASC ♦ *Estrada* retroactivity applies to require the application of ameliorative changes in law at a resentencing in a final case reopened by collateral attack.

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? 1/4 ♦ Court of Appeal states the standard for entitlement to discovery under the Racial Justice Act (Pen. Code, ♦ 745) and then factors for considering whether to order discovery.

**+3 Additional Case Summaries**

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deliberately chose to kill, the subsequent convictions of the nonshooter defendant did not establish as a matter of law that he intended to kill. (3) Section 1170.95 does not permit a challenge to a conspiracy to commit murder conviction by its plain terms nor does the legislative history show any intent to permit such a challenge. In particular, the language permitting a challenge to any other theory by which malice is imputed does not permit a challenge to conspiracy convictions only the covered convictions of murder, attempted murder, and manslaughter.

**P v. Ramirez (6th Dist., H047847, Monterey)** (1) Creating an intra-district split, this panel of the Sixth District holds new Penal Code section 1109 [bifurcation of gang allegations if requested] does not apply retroactively since it is procedural and not ameliorative within the meaning of the *Estrada* rule, as analyzed by Justice Elia's dissent in *People v. Burgos* (2022) 550 Cal.App.5th 569 (J. Elia is the author of the opinion in this case). Justice Wilson concurs in the result but concludes 1109 is ameliorative as held by the majority in *Burgos*, though contrary to the majority in *Burgos*, is subject to harmless error analysis as nonstructural error (Watson standard) as held by the Fifth District in *People v. Ramos* (2022) 77 Cal.App.5th 1116 and any error here was harmless. (2) In contrast to the changes made by Assembly Bill 333 to create section 1109, the bill's amendments to increase the requirements for substantive gang offenses and enhancements in section 186.22, do apply retroactively such that remand is required to provide the opportunity for retrial of the enhancements imposed here. (3) Trial counsel was not ineffective for failing to object to hearsay by CDCR officer relaying gang status shown in CDCR records of a witness as it was a tactical choice since the shared gang status of that witness and the defendant was a necessary part of the defense theory. (4) Trial counsel was not ineffective for failing to object to prosecutor's closing argument as to the lack of an explanation by the defendant as to what he was doing when he was caught on video near the scene of the crime, as the argument was permissible and there was no prejudice.

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## Weekly Case Summaries

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### Case Summaries for Published Court of Appeal Opinions: November 7-20, 2022

**Case Name:** *People v. O'Day*, **District:** 1 DCA, **Division:** 3, **Case #:** A162303

**Opinion Date:** 11/18/2022

**Case Holding:**

**Trial court did not abuse its discretion in determining petition for finding of factual innocence (Pen. Code, § 851.8) was untimely and unsupported by a showing of good cause.** O'Day was charged with murder and assault with a deadly weapon, but the magistrate dismissed the charges at the conclusion of the preliminary hearing. More than 12 years later, O'Day petitioned for a finding of factual innocence. (Pen. Code, § 851.8.) The trial court denied the petition as untimely without good cause because there was no legal impediment to filing the petition and O'Day did not assert that he was told he could not file such a petition. **Held:** Affirmed. Section 851.8 establishes the guidelines for sealing and destroying the arrest records of a person who is factually innocent. A factual innocence petition must be filed within two years from the date of the arrest or filing of the accusatory pleading, whichever is later. (Pen. Code, § 851.8, subd. (l).) Here, the limitations period began to run when the first amended complaint was filed in April 2008 and expired in 2010, making O'Day's petition filed a decade later untimely. A petition's untimeliness may be waived for good cause and in the absence of prejudice. Section 851.8 does not define good cause, but relevant factors include the nature and strength of the justification for the delay, the duration of the delay, and the prejudice to the opposing party. (See *People v. Drew* (2017) 16 Cal.App.5th 253 [finding no good cause to excuse an untimely petition for recall of sentence under the Three Strikes Reform Act].) Here, the delay in filing the petition was substantial. Despite experiencing adverse consequences of his arrest in 2014 and 2015, O'Day did not investigate a potential avenue for relief until 2018 when he sought assistance from the public defender. The court declined to adopt the habeas standard measuring the delay from the date he knew, or reasonably should have known, of the legal basis for filing the factual innocence petition, as such an approach would be tantamount to erasing the limitations period in all but the most unusual of circumstances. **[Editor's Notes: (1)** The trial court also denied O'Day's petition on the merits, but the Court of Appeal did not reach O'Day's challenge to this issue. However, the court observed that O'Day appears eligible for relief under Senate Bill No. 731, which will add section 851.93, subdivision (a)(2)(C)(ii), operative July 1, 2023. **(2)** Presiding Justice Toucher dissented, disagreeing with the majority's



interpretation of the good cause standard. The justice would have considered the factors derived from habeas corpus timeliness jurisprudence, and would have found a good cause excuses the decade-long delay attributed to petitioner being unaware that California law allows for such a thing as a petition for factual innocence, or indeed that the law offers any potential remedy for the difficulties his arrest continues to cause. The justice would have vacated the portion of the trial court's order that denied the petition for factual innocence as untimely.]

The full opinion is available on the court's website here:

<https://www.courts.ca.gov/opinions/documents/A162303.PDF>

**Case Name:** *People v. Monroe* , **District:** 1 DCA , **Division:** 2 , **Case #:** A164777

**Opinion Date:** 11/16/2022

**Case Holding:**

**At a recall and resentencing under Senate Bill No. 483, defendant was also entitled to application of Senate Bill No. 620 and Senate Bill No. 1393.** In 2005, Monroe was sentenced to a prison term that included three firearm enhancements (Pen. Code, §§ 12022.53, subd. (b), 12022.5, subd. (a)); three one-year prior prison term enhancements (§ 667.5, subd. (b)); and a five-year prior serious felony enhancement (§ 667.5, subd. (a)(1)). In 2021, Monroe petitioned for relief under SB 620 (eff. Jan. 1, 2018), which granted trial courts discretion to strike firearm enhancements. He later filed a second petition to have his one-year prison priors stricken under SB 483 (eff. Jan. 1, 2022). The trial court resentenced Monroe and struck the one-year prison priors, but concluded it was without jurisdiction to strike the firearm enhancements. Monroe appealed, arguing he was also eligible for relief under SB 1393 (eff. Jan. 1, 2019), which granted trial courts discretion to strike prior serious felony enhancements. The Attorney General conceded Monroe was eligible for relief with respect to SB 620, but not with respect to SB 1393, because only SB 620 expressly applies to any resentencing that may occur pursuant to any other law. **Held:** Reversed and remanded. SB 483 added Penal Code section 1171.1 (now renumbered as § 1172.75), which provides that any sentence enhancement imposed prior to January 1, 2020 pursuant to section 667.5, subdivision (b) is legally invalid (unless it was for a sexually violent offense). A defendant currently serving a term for a judgment that includes such an enhancement will be identified by CDCR or the county and referred to the trial court for resentencing; at the resentencing, the court shall apply any other changes in law that reduce sentences or provide for judicial discretion so as to eliminate disparity of sentences and to promote uniformity of sentencing. (Pen. Code, § 1172.75, subds. (a), (d)(2).) Thus, although Monroe's sentence had previously become final, he was entitled to recall of sentence under section 1172.75, which requires a full resentencing, including application of SB 620 and SB 1393. **[Editor's Note:** The court addressed defendant's SB 1393 claim on the merits to forestall his ineffective assistance of counsel claim for failure to raise the issue in the trial court.]

The full opinion is available on the court's website here:

<https://www.courts.ca.gov/opinions/documents/A164777.PDF>

**Case Name:** *People v. Griffin* , **District:** 4 DCA , **Division:** 2 , **Case #:** E079269

**Opinion Date:** 11/14/2022

**Case Holding:**

**If appointed counsel files a no-issue brief in an appeal from the denial of a Penal Code section 1172.6 resentencing petition and appellant does not submit a supplemental brief, this Court of Appeal will still independently review the record.** Griffin appealed

following the trial court's denial of his section 1172.6 petition to recall his sentence for murder. On appeal, appointed counsel filed a brief that raised no issues. Counsel advised Griffin of his right to file a supplemental brief and requested the court to independently review the entire record. (See *People v. Wende* (1979) 25 Cal.3d 436.) Griffin did not file a supplemental brief. **Held:** Affirmed. When appointed appellate counsel files a no-issues brief in a postconviction appeal taken by an indigent criminal defendant from the denial of a resentencing petition, appellate courts are divided with respect to how a court should exercise its discretion where the defendant did not respond to the court's invitation to submit a supplemental brief. This panel in the Fourth District, Division 2, concluded that the interests of justice call for an independent review of the record where counsel's brief raised no issues, regardless of whether the defendant submitted a supplemental brief. There are many reasons why a defendant may not respond to an invitation to submit a supplemental brief, including the failure to actually receive the invitation because of relocation or disruptions in prison processes, language barriers, illiteracy, or cognitive difficulty. Providing a *Wende*-like review in section 1172.6 appeals furthers the interests of justice by adding a layer of protection from the risk of a defendant remaining unlawfully incarcerated because of a failure to discover a meritorious issue in his or her appeal from the denial of their section 1172.6 resentencing petition. In contrast, the fiscal and administrative burdens of conducting an independent review of a denial of section 1172.6 petition are modest. The Court of Appeal conducted an independent review of the record and ultimately determined that there were no arguable issues. [Editor's Note: The court acknowledged this issue is pending in the California Supreme Court in *People v. Delgadillo* (Nov. 18, 2020, B304441) [nonpub. opn], review granted, Feb. 17, 2021, S266305.]

The full opinion is available on the court's website here:

<https://www.courts.ca.gov/opinions/documents/E079269.PDF>

**Case Name:** *People v. Berdoll* (2022) 85 Cal.App.5th 159 , **District:** 2 DCA , **Division:** 6 , **Case #:** B317129

**Opinion Date:** 11/8/2022

**Case Holding:**

**Remand for resentencing under Senate Bill No. 567 was not required where defendant agreed to a sentence with an upper term and any jury would have found at least one of the aggravating factors beyond a reasonable doubt.** Berdoll pleaded no contest to 25 felony counts. At sentencing, the trial court determined that the misconduct warranted a sentence of four years and four months, which was longer than the sentence the court previously indicated it would impose. The sentence included an upper term (the court also imposed concurrent, upper-term sentences). The trial court noted multiple aggravating circumstances. Berdoll declined to withdraw his plea, and he was sentenced to the longer term. On appeal, Berdoll argued that remand was necessary following the subsequent enactment of SB 567, which requires imposition of the middle term in the absence of aggravating factors proven by stipulation or found true by a jury beyond a reasonable doubt.

**Held:** Affirmed. In *People v. Flores* (2022) 75 Cal.App.5th 49, 500, the court applied the harmless error standard set forth in *People v. Sandoval* (2007) 41 Cal.4th 825, 839, to assess an error under SB 567: [I]f a reviewing court concludes, beyond a reasonable doubt, that the jury, applying the beyond-a-reasonable-doubt standard, unquestionably would have found true at least a single aggravating circumstance had it been submitted to the jury, the error is harmless. Relying on *Flores*, the Court of Appeal held that any error in relying on facts not stipulated to or found true by a jury was harmless. The court concluded that any jury would have found at least one of the aggravating factors here beyond a reasonable doubt. Berdoll

pleaded no contest and stipulated to a factual basis for the plea based on the police reports, which contained the uncontradicted foundation for the findings of aggravating sentencing factors. His plea was also based on the trial court's indicated sentence that included an upper term. (Compare *People v. Mitchell* (2022) 83 Cal.App.5th 1051.) And Berdoll ultimately agreed to a longer sentence than originally indicated. [Editor's Note: The following issue is pending in the California Supreme Court: What prejudice standard applies on appeal when determining whether a case should be remanded for resentencing in light of newly-enacted Senate Bill No. 567 (Stats. 2021, ch. 731)? (*People v. Lynch* (May 27, 2022, C094174) [nonpub. opn.], review granted 8/10/2022 (S274942).)]

The full opinion is available on the court's website here:

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**Case Name:** *People v. Buchanan* (2022) 85 Cal.App.5th 186 (considered together with *People v. Downs*, H049839, for the purposes of oral argument and disposition) , **District:** 6 DCA , **Case #:** H049838

**Opinion Date:** 11/8/2022

**Case Holding:**

**A person cited and released on a written promise to appear (Pen. Code, § 853.6) is not accused for Sixth Amendment purposes during the interval between the promised appearance date and the prosecution's later filing of a misdemeanor complaint.** The defendants were separately arrested for driving under the influence of drugs or alcohol (DUI) and released after signing a promise to appear on a specified date. The district attorney did not file charges by the appearance dates, but later filed a complaint just prior to the expiration of the one-year statute of limitations on a misdemeanor DUI. Following arraignment, each defendant successfully moved to dismiss their case based on a speedy trial violation. The appellate department of the superior court reversed, but certified the cases to the Court of Appeal. **Held:** Reversed. The Sixth Amendment right to a speedy trial attaches with the filing of the accusatory pleading or arrest, unless the defendant is released without restraint or charges are dismissed. A person cited and released on a written promise to appear under Penal Code section 853.6 is accused for Sixth Amendment purposes. But if the date on the notice to appear passes without charges being filed, a person is no longer accused. Here, the defendants were initially placed under the restraint of the promise to appear as a condition of their release. However, defendants were effectively freed without restraint and no longer stood accused once the appearance date passed without formal charges even though they were subject to ongoing investigations. As a result, defendants were not entitled to count this time toward the one-year threshold at which the court may presume prejudice and they did not introduce evidence of actual prejudice in the trial court. Their speedy trial right did not reattach until the district attorney subsequently filed the operative charging document. [Editor's Note: The court disapproved *People v. Williams* (2012) 207 Cal.App.4th Supp. 1, to the extent it suggests the restraints of a misdemeanor notice to appear citation are of no constitutional consequence.]

The full opinion is available on the court's website here:

<https://www.courts.ca.gov/opinions/documents/H049838.PDF>

**Case Name:** *People v. Garcia* , **District:** 1 DCA , **Division:** 3 , **Case #:** A163046

**Opinion Date:** 11/10/2022

**Case Holding:**

**Trial court's denial of defendant's continuance request was an abuse of discretion where trial counsel was deprived of a reasonable opportunity to develop facts in support**

**of a discovery motion pursuant to the California Racial Justice Act (CRJA).** Garcia was convicted of assault on a peace officer with a semiautomatic firearm and received a 24-year state prison sentence in 2018. The judgment was affirmed on appeal, but remanded to allow for various corrections to the sentence. The trial court appointed counsel to represent him on May 11, 2021. With less than one week to prepare for the upcoming May 17, 2021, resentencing hearing, trial counsel requested a continuance so she could develop facts in support of a motion for discovery under the CRJA, which was not granted. At the resentencing hearing, the trial court acknowledged that trial counsel did not have sufficient time to flesh out the statistics in support of a CRJA discovery motion. The court declined to strike a firearm enhancement and resentenced Garcia based on the instructions on remand. He appealed. **Held:** Reversed and remanded. The CRJA prohibits state criminal convictions or sentences on the basis of race, ethnicity, or national origin. It includes a discovery provision permitting defendants to request all evidence relevant to a potential violation in the possession or control of the state, which must be granted upon a showing of good cause. (Pen. Code, § 745, subd. (d).) Although a defendant is only required to advance a plausible factual foundation, preparing a discovery motion under the CRJA necessarily entails a fairly thorough review of the trial record for any remarks or conduct by the trial judge, attorneys, experts, jurors, and law enforcement officers that may plausibly support the conclusion that a CRJA violation could or might have occurred in the case. Here, trial counsel had less than a week after she was appointed to familiarize herself with the case, prepare the sentencing brief, and marshal facts for and prepare a motion for discovery under the CRJA. She was not given a reasonable opportunity to prepare the discovery motion. The error was not harmless. **[Editor's Note:** In an unpublished part of the opinion, the court remanded for resentencing under section Penal Code section 1170, subdivision (b), as amended by Senate Bill No. 567. The Court of Appeal directed that, prior to the resentencing hearing, Garcia shall be granted a reasonable opportunity to prepare a motion for discovery under the CRJA.]

**The trial court retained jurisdiction to consider a potential CRJA violation.** The People argued that the trial court's jurisdiction was limited to the Court of Appeal's remand instructions from the prior appeal. When, however, a case is remanded for resentencing after an appeal, the defendant is entitled to all the normal rights and procedures available at his original sentencing, including consideration of any pertinent circumstances which have arisen since the prior sentence was imposed. (*Dix v. Superior Court* (1991) 53 Cal.3d 442, 460.) The effective date of the CRJA, January 1, 2021, was a pertinent circumstance that arose after the remittitur and before the resentencing hearing. Thus, the trial court was not barred from considering it.

**The CRJA retroactively applied to defendant's case.** The People further argued that the CRJA did not retroactively apply to Garcia's case because the statute expressly provided that it applied prospectively only to judgments not entered before January 1, 2021.

Judgment, however, is synonymous with the imposition of sentence in criminal cases. Here, Garcia's judgment was partially reversed in 2020 and he was not resentenced until May 17, 2021. Accordingly, Garcia's judgment had not yet been entered at the time the CRJA became effective and he was not barred from seeking relief under the new law.

**[Editor's Note:** Based on this same reasoning, the court in a footnote rejected the People's contention that Garcia could only seek postjudgment relief under the CRJA through a habeas petition.]

The full opinion is available on the court's website here:

<https://www.courts.ca.gov/opinions/documents/A163046.PDF>

**Case Name:** *In re Jhonny S.* , **District:** 1 DCA , **Division:** 5 , **Case #:** A164489

**Opinion Date:** 11/10/2022

**Case Holding:**

**Welfare and Institutions Code section 1179, subdivision (d) required the juvenile court to grant appellant's request to dismiss his juvenile delinquency petition after he successfully completed probation and DJJ granted an honorable discharge.** In 2018, Jhonny was committed to the DJJ for a maximum term of confinement of four years. In 2020, Jhonny's wardship and probation were successfully terminated, and in 2021, DJJ granted him an honorable discharge. Later that year, Jhonny filed a petition to have his juvenile record sealed and his juvenile delinquency petition dismissed. The juvenile court granted Jhonny's petition to have his juvenile record sealed but declined to dismiss the petition, citing Welfare and Institutions Code section 782. Jhonny appealed. **Held:** Reversed and remanded. Section 782 gives the juvenile court the discretion to dismiss a petition in the furtherance of justice, considering certain factors. Section 1179, in turn, provides that when a person is honorably discharged by the Board of Juvenile Hearings, DJJ shall certify the discharge and send the certification to the juvenile court, and that "[t]he court shall thereupon dismiss the accusation and the action pending against that person." (Welf. & Inst. Code, § 1179, subd. (d).) Finally, section 1772 provides that a person discharged by the Board of Juvenile Hearings may petition the juvenile court to dismiss his juvenile petition and the court may grant the petition. There is a conflict among these statutes regarding the juvenile court's discretion to dismiss a juvenile petition. Applying rules of statutory construction, the Court of Appeal concluded the more specific statute (section 1179) must prevail under the circumstances of this case. Only section 1179 squarely addresses the court's authority to dismiss a juvenile petition where the juvenile has obtained an honorable discharge from DJJ. Accordingly, the juvenile court erred by applying the discretionary language of section 782 as a basis for denying Jhonny's petition to dismiss. The matter was remanded and the juvenile court was directed to apply section 1179, subdivision (d).

The full opinion is available on the court's website here:

<https://www.courts.ca.gov/opinions/documents/A164489.PDF>

**Case Name:** *Unzueta v. Akopyan* (2022) 85 Cal.App.5th 67 , **District:** 2 DCA , **Division:** 7 , **Case #:** B313215

**Opinion Date:** 11/7/2022

**Case Holding:**

**Trial court erred when it denied plaintiff's Batson/Wheeler motion because an attorney may not use a peremptory challenge to strike a prospective juror based on the disability of the juror's family member.** Following a trial in a medical malpractice case, the jury found in favor of the defense (the doctor). In the first appeal, the case was remanded for the trial court to perform the second and third steps of the *Batson/Wheeler* inquiry (defense counsel had exercised peremptory challenges to six Hispanic prospective jurors). On remand, defense counsel asserted two jurors were excused because they had a family member who was disabled and counsel feared this would cause the juror to be biased in favor of the plaintiff. The trial court denied plaintiff's *Batson/Wheeler* motion. During the second appeal, plaintiff challenged the denial, arguing that striking the two prospective jurors based on the disabilities of their family members was itself based on protected characteristics. **Held:** Reversed and remanded. In 2015 the Legislature expanded the scope of cognizable groups protected under *Batson/Wheeler* by its enactment of Assembly Bill No. 87 (eff. 1/1/2017). AB 87 amended Code of Civil Procedure section 231.5 to specify by reference to Government Code section 11135 that peremptory challenges cannot be used to excuse



prospective jurors on the basis of specified grounds, including mental and physical disability. Section 11135, subdivision (d), provides that the protected bases include that the person is associated with a person who has, or is perceived to have, any of the protected characteristics. Here, the Court of Appeal construed the statutes to prohibit use of peremptory challenges to excuse prospective jurors on the basis a person with whom the juror is associated has a disability. Although the trial court was correct that defense counsel's justifications for striking the Hispanic jurors were race-neutral, the challenges were still discriminatory because they were based on the disabilities of the prospective jurors' family members. The plaintiff is entitled to a new trial. [Editor's Note: (1) In a footnote, the court noted that the U.S. Supreme Court and federal courts have not extended *Batson/Wheeler* to peremptory challenges based on a prospective juror's disability. The California Supreme Court has not addressed the application of *Batson/Wheeler* to jurors based on their disability (or the disability of a family member). (2) The protected bases referenced in section 11135 are sex, race, color, religion, ancestry, national origin, ethnic group identification, age, mental disability, physical disability, medical condition, genetic information, marital status, and sexual orientation.]

The full opinion is available on the court's website here:  
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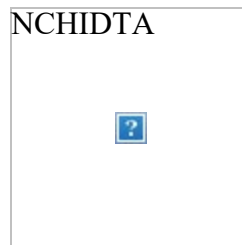
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narcotics laws and sentencing possibilities will be addressed, with an emphasis on tools the statutes and cases still provide for successful prosecution of narcotics offenders. Finally, the course will discuss claiming the privilege in the context of wall stops and other high-pressure situations implicating gangs, narcotics, and other assignments likely to deal with confidential informants, to ethically and legally maintain confidential information without running afoul of the 1963 U.S. Supreme Court case of Brady v. Maryland and avoid being placed on the Brady list.

### **SPEAKER BIOGRAPHIES:**

Maria Ghobadi has been a prosecutor for 14 years and has practiced in multiple jurisdictions. She is currently with the Los Angeles County District Attorney's Office and is assigned to the Gang Homicide Unit (formerly known as the Hardcore Gang Division). As a trial attorney, she has prosecuted numerous gang homicides and has conducted trainings for multiple law enforcement agencies including the Los Angeles Police Department and Los Angeles County Sheriff's Department.

Cindy De Silva has been a prosecutor for 21 years and handles Major Narcotics cases for the San Joaquin County District Attorney's Office. She is the 2022 California Narcotics Officers Association Prosecutor of the Year, the 2016 California District Attorneys Association Instructor of the Year, and the 2009 Stockton Crimestopper of the Year. She regularly reviews search warrants, advises officers in the field on warrantless search issues, prosecutes narcotics dealers and manufacturers in court, and trains law enforcement nationwide.

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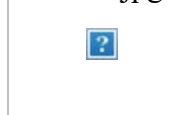
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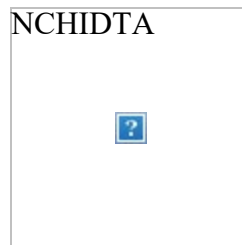
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**DATE/TIME:** Friday, 2/10/23, 8:00 a.m. to 5:00 p.m. PST

**LOCATION/COST:** Virtual, Free Webinar



Training Coordinator

Chad Norris  
[cnorris@ncric.ca.gov](mailto:cnorris@ncric.ca.gov)

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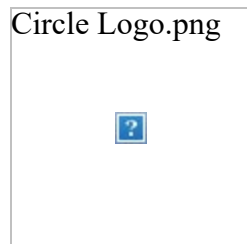
**From:** [Training@cvchidta.org](mailto:Training@cvchidta.org)  
**To:** [REDACTED]  
**Subject:** Changes in Gang and Narcotics Laws and Invoking "the Privilege" - Virtual / PST  
**Date:** Wednesday, January 4, 2023 10:14:10 AM

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**Changes in Gang and Narcotics Laws and Invoking the Privilege**  
**Friday, February 10, 2023**  
**8:00 AM - 5:00 PM**  
Zoom,



# *Changes in Gang and Narcotics Laws and Invoking the Privilege*

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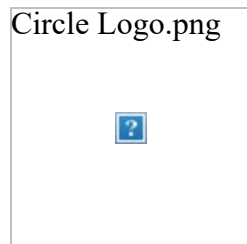
**From:** [Training@cvchidta.org](mailto:Training@cvchidta.org)  
**To:** [REDACTED]  
**Subject:** Changes in Gang and Narcotics Laws and Invoking "the Privilege" - Virtual / PST  
**Date:** Wednesday, January 4, 2023 10:14:04 AM

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**Changes in Gang and Narcotics Laws and Invoking the Privilege**  
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**Subject:** Changes in Gang and Narcotics Laws and Invoking "the Privilege" - Virtual / PST  
**Date:** Wednesday, January 4, 2023 10:14:04 AM

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**Changes in Gang and Narcotics Laws and Invoking "the Privilege"**  
**Friday, February 10, 2023**  
**8:00 AM - 5:00 PM**  
Zoom,

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**From:** [Training@cvchidta.org](mailto:Training@cvchidta.org)  
**To:** [REDACTED]  
**Subject:** Changes in Gang and Narcotics Laws and Invoking "the Privilege" - Virtual / PST  
**Date:** Wednesday, January 4, 2023 10:13:55 AM

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**Changes in Gang and Narcotics Laws and Invoking the Privilege**  
**Friday, February 10, 2023**  
**8:00 AM - 5:00 PM**  
Zoom,

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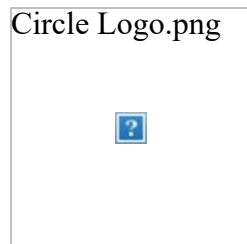
**From:** [Training@cvchidta.org](mailto:Training@cvchidta.org)  
**To:** [REDACTED]  
**Subject:** Changes in Gang and Narcotics Laws and Invoking "the Privilege" - Virtual / PST  
**Date:** Wednesday, January 4, 2023 10:13:44 AM

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**Changes in Gang and Narcotics Laws and Invoking "the Privilege"**  
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**From:** [Training@cvchidta.org](mailto:Training@cvchidta.org)  
**To:** [REDACTED]  
**Subject:** Changes in Gang and Narcotics Laws and Invoking "the Privilege" - Virtual / PST  
**Date:** Wednesday, January 4, 2023 10:13:42 AM

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**Changes in Gang and Narcotics Laws and Invoking "the Privilege"**  
**Friday, February 10, 2023**  
**8:00 AM - 5:00 PM**  
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**To:** [REDACTED]  
**Subject:** Changes in Gang and Narcotics Laws and Invoking "the Privilege" - Virtual Class  
**Date:** Friday, December 30, 2022 11:57:01 AM

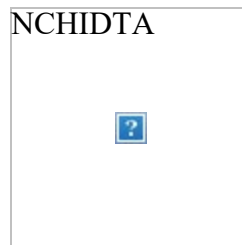
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**Friday, February 10, 2023**  
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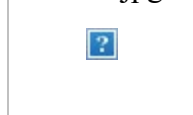
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**To:** [REDACTED]  
**Subject:** FW: California CaseALERT - November 18, 2022  
**Date:** Friday, November 18, 2022 8:52:00 AM

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FYI P. v. Garcia

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**From:** Riverside County CaseALERT <casealerts@public.govdelivery.com>  
**Sent:** Friday, November 18, 2022 8:30 AM  
**To:** [REDACTED]  
**Subject:** California CaseALERT - November 18, 2022

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CaseALERT Banner



**November 9-17, 2022**

**Key Cases**

- ? CASC ♦ Trial courts retain discretion after Prop. 36 to impose concurrent sentences for Three Strikes offenses committed on the same occasion or arising from the same set of operative facts.
- ? 6th ♦ A person cited and released is not ♦accused♦ under 6th Amendment if the promised appearance date passes without a complaint being filed.
- ? 1/2 ♦ Resentencing under SB 483 (Pen. Code, ♦ 1172.75) provides for a full resentencing including considering discretionary dismissals of firearm and serious felony enhancements under recent changes in law.

**+3 Additional Case Summaries**

? [P v. Henderson](#) (CASC, S265172, 2/6, Los Angeles) Resolving a split among the Courts of Appeal, our Supreme Court holds that trial courts retain discretion to impose concurrent sentences on Third Strike qualifying offenses that were committed on the same occasion or arising from the same set of operative facts. In other words, even after Proposition 36, the discretion identified in *People v. Hendrix* (1997) 16 Cal.4th 508, 512 remains.

? [P v. Buchanan](#) (6th Dist., H049838, Santa Cruz) A citation is ♦an accusation otherwise sufficient to initiate Sixth Amendment protection against delay,♦ but an ♦election not to file formal charges by the appearance date♦ ceases any legal restraint. Here, the trial court erred in dismissing cases under *Barker v. Wingo* (1972) 407 U.S. 514 as the appearance date passed without the filing of a complaint, but the prosecution did not file a complaint until just before the one-year statute of limitations was about to expire as it took almost that long to get analyses completed of blood specimens collected upon arrest. This was because there was no

restraint from the date of the appearance until the complaint was filed, and the period after the complaint was filed was less than the one-year period for triggering the presumption of prejudice under *Barker v. Wingo*.

? **P v. Monroe** (1st Dist., Div. 2, A164777, Solano) Resentencing under SB 483 to remove prison priors (now codified in Pen. Code, § 1172.75) entitles defendants to full resentencing. Here, this includes consideration of dismissing firearm enhancements and serious felony enhancements, under changes made in SB 620 and 1393, even though the defendant had previously been denied such requests because his judgment had become final before they became operative.

#### ? Additional Case Summaries

**P v. Garcia** (1st Dist., Div. 3, A163046, San Mateo) Trial court abused its discretion in denying the request of counsel, appointed the week before to handle a resentencing after remittitur, for a continuance to seek discovery under the Racial Justice Act. Preparing such a motion would require counsel to thoroughly review the trial record for any remarks or conduct suggesting a violation could or might have occurred. Counsel also provided national-level research that persons of the defendant's background received longer or more severe sentences than other similarly situated persons, but discovery would be needed to evaluate that issue at the county level. Lastly, because judgment had not yet been entered, it would not be a retroactive application of the RJA.

**P v. Griffin** (4th Dist., Div. 2, E079269, Riverside) This panel sides with those panels agreeing to conduct a *Wende* review in an appeal from a denial of resentencing under Penal Code section 1172.6 even when a defendant does not file their own supplemental brief.

**P v. Miranda-Guerrero** (CASC, S118147, Orange) Automatic appeal in a capital case. Judgment affirmed. 45-page opinion. Issues rejected: (1) *Miranda* based on § suboptimal translation and voluntariness; (2) consular notification; (3) denial of presence at juror misconduct discussion, spectator misconduct discussion, discussion portions of police interview to be played, discussion on jury instructions, and a discussion on responding to a jury question; (4) juror misconduct; (5) denial of a motion for new trial; (6) prosecutorial misconduct; (7) instructional error; (8) cumulative guilt phase error; (9) death penalty for felony murder (10) validity of the death penalty scheme in California; and (11) cumulative error as to penalty phase.

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**From:** [REDACTED]  
**To:** [REDACTED]; [Smittcamp, Lisa](#)  
**Cc:** [REDACTED]  
**Subject:** FW: Governor Newsom Issues Legislative Update  
**Date:** Friday, September 30, 2022 9:16:55 AM

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Good morning, please see below for legislative actions taken by the Governor yesterday. Let me know if you have any questions. Thanks, [REDACTED]

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**From:** SYASL County Info <SYASLCountyInfo@SYASLpartners.com>  
**Sent:** Friday, September 30, 2022 9:03 AM  
**To:** SYASL County Info <SYASLCountyInfo@SYASLpartners.com>  
**Subject:** Governor Newsom Issues Legislative Update

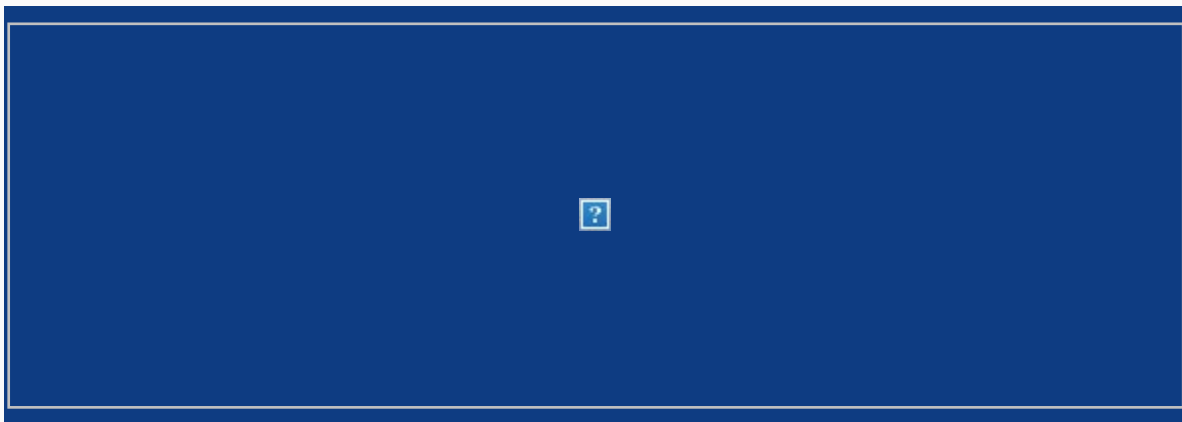
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**To:** County Administrative Officers and Interested Parties  
**From:** [REDACTED]  
**Date:** September 30, 2022  
**RE:** Governor Newsom Issues Legislative Update

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Please see below for a list of recent actions on bills by the Governor. Please note, included in these actions, the Governor signed [AB 759 \(McCarty\) Elections: county officers](#), [AB 152 \(Committee on Budget\) COVID-19 relief: supplemental paid sick leave](#), and [SB 1127 \(Atkins\) Workers compensation: liability presumptions](#). You may view the press release below.

[REDACTED]

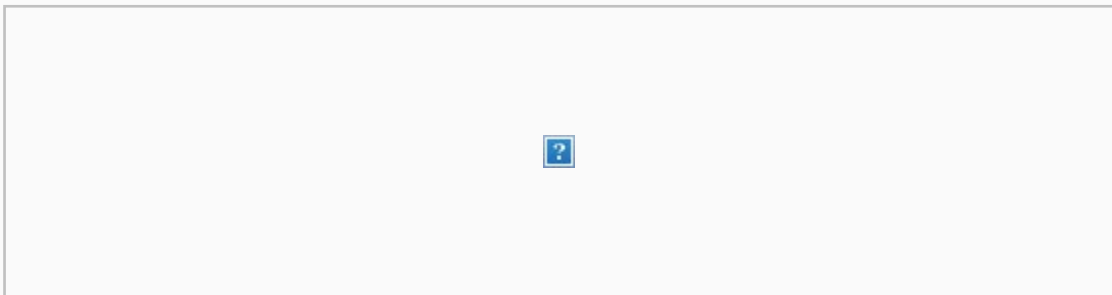


FOR IMMEDIATE RELEASE:  
Thursday, September 29, 2022  
Governor's Press Office: (916) 445-4571

# Governor Newsom Issues Legislative Update

SACRAMENTO ♦ Governor Gavin Newsom today announced action on a number of bills, including AB 2640 by Assemblymember Suzette Valladares (R-Santa Clarita) which directs the California Department of Education to create the online California Food Allergy Resource Guide that school districts, students and parents can access for food-allergy safety information.

Governor Newsom today met virtually with Zacky Muñoz, who has life-threatening food allergies, and his mother, who have advocated for the measure to protect students with food allergies.



Governor Newsom meets virtually with Zacky Muñoz and his family

The full list of bills the Governor announced signing can be found below:

- AB 152 by the Committee on Budget ♦ COVID-19 relief: supplemental paid sick leave.
- AB 158 by the Committee on Budget ♦ Personal Income Tax Law: Corporation Tax Law: exclusions from income: Paycheck Protection Program.
- AB 160 by the Committee on Budget ♦ Public safety trailer bill.
- AB 204 by the Committee on Budget ♦ Budget Act of 2022: Health Omnibus.
- AB 256 by Assemblymember Ash Kalra (D-San Jose) ♦ Criminal procedure: discrimination.
- AB 371 by Assemblymember Reginald Byron Jones-Sawyer, Sr. (D-Los Angeles) ♦ Shared mobility devices: insurance and tracking.
- AB 551 by Assemblymember Freddie Rodriguez (D-Pomona) ♦ Disability retirement: COVID-19: presumption.
- AB 732 by Assemblymember Bill Quirk (D-Hayward) ♦ Mercury Thermostat Collection Act of 2021.
- AB 759 by Assemblymember Kevin McCarty (D-Sacramento) ♦ Elections: county officers.

- AB 960 by Assemblymember Philip Ting (D-San Francisco) ♦ ♦ Compassionate release.
- AB 972 by Assemblymember Marc Berman (D-Menlo Park) ♦ ♦ Elections: deceptive audio or visual media.
- AB 984 by Assemblymember Lori Wilson (D-Suisun City) ♦ ♦ Vehicle identification and registration: alternative devices.
- AB 988 by Assemblymember Rebecca Bauer-Kahan (D-Orinda) ♦ ♦ Mental health: 988 Suicide and Crisis Lifeline. A signing message can be found [here](#).
- AB 1041 by Assemblymember Buffy Wicks (D-Oakland) ♦ ♦ Employment: leave.
- AB 1249 by Assemblymember James Gallagher (R-Yuba City) ♦ ♦ Income taxes: gross income exclusions: wildfires. A signing message can be found [here](#).
- AB 1278 by Assemblymember Adrin Nazarian (D-North Hollywood) ♦ ♦ Physicians and surgeons: payments: disclosure: notice.
- AB 1416 by Assemblymember Miguel Santiago (D-Los Angeles) ♦ ♦ Elections: ballot label.
- AB 1601 by Assemblymember Dr. Akilah Weber (D-San Diego) ♦ ♦ Employment protections: mass layoff, relocation, or termination of employees: call centers.
- AB 1655 by Assemblymember Reginald Byron Jones-Sawyer, Sr. (D-Los Angeles) ♦ ♦ State holidays: Juneteenth. A signing message can be found [here](#).
- AB 1667 by Assemblymember Jim Cooper (D-Elk Grove) ♦ ♦ State Teachers ♦ ♦ Retirement System: administration.
- AB 1686 by Assemblymember Isaac Bryan (D-Los Angeles) ♦ ♦ Child welfare agencies: enforcement.
- AB 1744 by Assemblymember Marc Levine (D-Marin County) ♦ ♦ Probation and mandatory supervision: flash incarceration.
- AB 1747 by Assemblymember Bill Quirk (D-Hayward) ♦ ♦ Contractors: disciplinary action.
- AB 1751 by Assemblymember Tom Daly (D-Anaheim) ♦ ♦ Workers ♦ ♦ compensation: COVID-19: critical workers.
- AB 1775 by Assemblymember Christopher Ward (D-San Diego) ♦ ♦ Occupational safety: live events.
- AB 1788 by Assemblymember Jordan Cunningham (R-San Luis Obispo County) ♦ ♦ Sex trafficking: hotels: actual knowledge or reckless

disregard: civil penalty.

- AB 1801 by Assemblymember Adrin Nazarian (D-North Hollywood) ♦ State holidays: Genocide Remembrance Day. A signing message can be found [here](#).
- AB 1817 by Assemblymember Philip Ting (D-San Francisco) ♦ Product safety: textile articles: perfluoroalkyl and polyfluoroalkyl substances (PFAS).
- AB 1848 by Assemblymember Isaac Bryan (D-Los Angeles) ♦ Redistricting.
- AB 1851 by Assemblymember Robert Rivas (D-Salinas) ♦ Public works: prevailing wage: hauling.
- AB 1914 by Assemblymember Laurie Davies (R-Laguna Niguel) ♦ Resource family approval: training.
- AB 1924 by Assemblymember Mike Gipson (D-Carson) ♦ Criminal law: certificate of rehabilitation.
- AB 1949 by Assemblymember Evan Low (D-Campbell) ♦ Employees: bereavement leave.
- AB 2043 by Assemblymember Reginald Byron Jones-Sawyer, Sr. (D-Los Angeles) ♦ Bail bonds.
- AB 2056 by Assemblymember Tim Grayson (D-Concord) ♦ Bar pilots: pilotage rates.
- AB 2085 by Assemblymember Chris Holden (D-Pasadena) ♦ Crimes: mandated reporters.
- AB 2117 by Assemblymember Mike Gipson (D-Carson) ♦ Mobile stroke units. A signing message can be found [here](#).
- AB 2135 by Assemblymember Jacqui Irwin (D-Thousand Oaks) ♦ Information security.
- AB 2143 by Assemblymember Wendy Carrillo (D-Los Angeles) ♦ Net energy metering: construction of renewable electrical generation facilities: prevailing wage.
- AB 2167 by Assemblymember Ash Kalra (D-San Jose) ♦ Crimes: alternatives to incarceration.
- AB 2169 by Assemblymember Mike Gipson (D-Carson) ♦ Criminal procedure.
- AB 2232 by Assemblymember Kevin McCarty (D-Sacramento) ♦ School facilities: heating, ventilation, and air conditioning systems.
- AB 2243 by Assemblymember Eduardo Garcia (D-Coachella) ♦ Occupational safety and health standards: heat illness: wildfire smoke.

- AB 2256 by Assemblymember Sharon Quirk-Silva (D-Fullerton) ♦ Office of Broadband and Digital Literacy: reports.
- AB 2309 by Assemblymember Laura Friedman (D-Glendale) ♦ Guardianships.
- AB 2321 by Assemblymember Reginald Byron Jones-Sawyer, Sr. (D-Los Angeles) ♦ Juveniles: room confinement.
- AB 2338 by Assemblymember Mike Gipson (D-Carson) ♦ Health care decisions: decisionmakers and surrogates.
- AB 2365 by Assemblymember Jim Patterson (R-Fresno) ♦ Fentanyl program grants.
- AB 2374 by Assemblymember Rebecca Bauer-Kahan (D-Orinda) ♦ Crimes against public health and safety: illegal dumping.
- AB 2392 by Assemblymember Jacqui Irwin (D-Thousand Oaks) ♦ Information privacy: connected devices: labeling.
- AB 2417 by Assemblymember Philip Ting (D-San Francisco) ♦ Juveniles: Youth Bill of Rights.
- AB 2418 by Assemblymember Ash Kalra (D-San Jose) ♦ Crimes: Justice Data Accountability and Transparency Act.
- AB 2511 by Assemblymember Jacqui Irwin (D-Thousand Oaks) ♦ Skilled nursing facilities: backup power source. A signing message can be found [here](#).
- AB 2524 by Assemblymember Ash Kalra (D-San Jose) ♦ Santa Clara Valley Transportation Authority: employee relations.
- AB 2582 by Assemblymember Steve Bennett (D-Ventura) ♦ Recall elections: local offices.
- AB 2584 by Assemblymember Marc Berman (D-Menlo Park) ♦ Recall elections.
- AB 2596 by Assemblymember Evan Low (D-Campbell) ♦ Lunar New Year holiday. A signing message can be found [here](#).
- AB 2638 by Assemblymember Richard Bloom (D-Santa Monica) ♦ School facilities: drinking water: water bottle filling stations.
- AB 2640 by Assemblymember Suzette Valladares (R-Santa Clarita) ♦ Pupil health: food allergies: California Food Allergy Resource internet web page.
- AB 2657 by Assemblymember Mark Stone (D-Scotts Valley) ♦ Incarcerated person's competence.
- AB 2658 by Assemblymember Rebecca Bauer-Kahan (D-Orinda) ♦ Juveniles: electronic monitoring.



- AB 2673 by Assemblymember Jacqui Irwin (D-Thousand Oaks) ♦ Hospice agency licensure: moratorium on new licenses.
- AB 2683 by Assemblymember Jesse Gabriel (D-Encino) ♦ Postsecondary education: sexual violence and harassment: training and resources.
- AB 2693 by Assemblymember Eloise Gomez Reyes (D-Colton) ♦ COVID-19: exposure.
- AB 2746 by Assemblymember Laura Friedman (D-Glendale) ♦ Driving privilege: suspension.
- AB 2752 by Assemblymember Jim Wood (D-Santa Rosa) ♦ Broadband infrastructure and video service: mapping: subscriber information.
- AB 2761 by Assemblymember Kevin McCarty (D-Sacramento) ♦ Deaths while in law enforcement custody: reporting.
- AB 2763 by Assemblymember Ash Kalra (D-San Jose) ♦ Santa Clara Valley Transportation Authority: job order contracting.
- AB 2771 by Assemblymember Laura Friedman (D-Glendale) ♦ Cosmetic products: safety.
- AB 2773 by Assemblymember Chris Holden (D-Pasadena) ♦ Stops: notification by peace officers.
- AB 2778 by Assemblymember Kevin McCarty (D-Sacramento) ♦ Crimes: race-blind charging.
- AB 2841 by Assemblymember Evan Low (D-Campbell) ♦ Disqualification from voting.
- AB 2849 by Assemblymember Mia Bonta (D-Oakland) ♦ The Promote Ownership by Workers for Economic Recovery Act.
- AB 2863 by Assemblymember Lori Wilson (D-Suisun City) ♦ Green building standards: bicycle parking.
- SB 107 by Senator Scott Wiener (D-San Francisco) ♦ Gender-affirming health care. A signing message can be found [here](#).
- SB 384 by Senator Dave Cortese (D-San Jose) ♦ Juveniles: relative placement: family finding.
- SB 528 by Senator Brian W. Jones (R-Santee) ♦ Juveniles: medication documentation.
- SB 688 by Senator Bob Wieckowski (D-Fremont) ♦ Civil actions: judgments by confession.
- SB 717 by Senator Bill Dodd (D-Napa) ♦ Department of Technology: broadband communications: report.
- SB 731 by Senator Maria Elena Durazo (D-Los Angeles) ♦ Criminal

records: relief.

- SB 755 by Senator Richard D. Roth (D-Riverside) ♦ Workforce development: training-related job placement: reporting.
- SB 794 by Senator Steven Glazer (D-Orinda) ♦ Political Reform Act of 1974: contribution limits.
- SB 855 by Senator Josh Newman (D-Fullerton) ♦ Childhood Drowning Data Collection Pilot Program.
- SB 868 by Senator Dave Cortese (D-San Jose) ♦ State teachers ♦ retirement: supplemental benefits.
- SB 884 by Senator Mike McGuire (D-Healdsburg) ♦ Electricity: expedited utility distribution infrastructure undergrounding program.
- SB 892 by Senator Melissa Hurtado (D-Sanger) ♦ Cybersecurity preparedness: food and agriculture sector and water and wastewater systems sector.
- SB 903 by Senator Robert Hertzberg (D-Van Nuys) ♦ Prisons: California Rehabilitation Oversight Board.
- SB 923 by Senator Scott Wiener (D-San Francisco) ♦ Gender-affirming care.
- SB 931 by Senator Connie Leyva (D-Chino) ♦ Deterring union membership: violations.
- SB 954 by Senator Bob Archuleta (D-Pico Rivera) ♦ Public works: wages: electronic certified payroll records.
- SB 960 by Senator Nancy Skinner (D-Berkeley) ♦ Public employment: peace officers: citizenship.
- SB 990 by Senator Ben Hueso (D-San Diego) ♦ Corrections: county of release.
- SB 1008 by Senator Josh Becker (D-Menlo Park) ♦ Corrections: communications.
- SB 1035 by Senator Susan Talamantes Eggman (D-Stockton) ♦ Mental health services: assisted outpatient treatment.
- SB 1044 by Senator Mar ♦ a Elena Durazo (D-Los Angeles) ♦ Employers: emergency condition: retaliation.
- SB 1055 by Senator Sydney Kamlager (D-Los Angeles) ♦ Child support enforcement: license suspensions.
- SB 1061 by Senator John Laird (D-Santa Cruz) ♦ School district and community college district elections: special elections: petition requirements: election timing.
- SB 1085 by Senator Sydney Kamlager (D-Los Angeles) ♦ Juveniles:

dependency: jurisdiction of the juvenile court.

- SB 1090 by Senator Melissa Hurtado (D-Sanger) ♦ Family Urgent Response System.
- SB 1106 by Senator Scott Wiener (D-San Francisco) ♦ Criminal resentencing: restitution.
- SB 1112 by Senator Josh Becker (D-Menlo Park) ♦ Energy: building decarbonization: notice and recordation of a decarbonization charge.
- SB 1127 by Senator Toni G. Atkins (D-San Diego) ♦ Workers♦ compensation: liability presumptions.
- SB 1138 by Senator Ben Allen (D-Santa Monica) ♦ Unemployment insurance: report: self-employed individuals.
- SB 1139 by Senator Sydney Kamlager (D-Los Angeles) ♦ Prisons: visitation.
- SB 1193 by Senator Josh Newman (D-Fullerton) ♦ Department of Motor Vehicles: electronic notifications and transactions.
- SB 1194 by Senator Ben Allen (D-Santa Monica) ♦ Public restrooms: building standards.
- SB 1208 by Senator Ben Hueso (D-San Diego) ♦ Low-income utility customer assistance programs: concurrent application process. A signing message can be found [here](#).
- SB 1223 by Senator Josh Becker (D-Menlo Park) ♦ Criminal procedure: mental health diversion.
- SB 1246 by Senator Henry Stern (D-Los Angeles) ♦ Income taxes: gross income exclusions: wildfires. A signing message can be found [here](#).
- SB 1260 by Senator Mar♦a Elena Durazo (D-Los Angeles) ♦ State summary criminal history information.
- SB 1279 by Senator Rosilicie Ochoa Bogh (R-Yucaipa) ♦ Guardian ad litem appointment.
- SB 1295 by Senator Monique Lim?n (D-Santa Barbara) ♦ Oil and gas: hazardous or deserted wells and facilities: labor standards: expenditure limits: reports.
- SB 1334 by Senator Steven Bradford (D-Gardena) ♦ Meal and rest periods: hospital employees.
- SB 1348 by Senator Steven Bradford (D-Gardena) ♦ Escrow agents: controlled substances.
- SB 1415 by Senator Monique Lim?n (D-Santa Barbara) ♦ Financial Institutions Law: annual report: overdraft.

- SB 1439 by Senator Steven Glazer (D-Orinda) ♦ Campaign contributions: agency officers.
- SB 1477 by Senator Bob Wieckowski (D-Fremont) ♦ Enforcement of judgments: wage garnishment.
- SB 1479 by Senator Richard Pan (D-Sacramento) ♦ COVID-19 testing in schools: COVID-19 testing plans.

The Governor also announced that he has vetoed the following bills:

- AB 334 by Assemblymember Kevin Mullin (D-South San Francisco) ♦ Workers ♦ compensation: skin cancer. A veto message can be found [here](#).
- AB 503 by Assemblymember Mark Stone (D-Scotts Valley) ♦ Wards: probation. A veto message can be found [here](#).
- AB 826 by Assemblymember Jacqui Irwin (D-Thousand Oaks) ♦ County Employees Retirement Law of 1937: compensation and compensation earnable. A veto message can be found [here](#).
- AB 1262 by Assemblymember Jordan Cunningham (R-San Luis Obispo County) ♦ Information privacy: other connected device with a voice recognition feature. A veto message can be found [here](#).
- AB 1288 by Assemblymember Sharon Quirk-Silva (D-Fullerton) ♦ Income tax credits: low-income housing: California Debt Limit Allocation Committee rulemaking. A veto message can be found [here](#).
- AB 1341 by Assemblymember Cristina Garcia (D-Bell Gardens) ♦ Dietary supplements for weight loss and over-the-counter diet pills. A veto message can be found [here](#).
- AB 1685 by Assemblymember Isaac Bryan (D-Los Angeles) ♦ Vehicles: parking violations. A veto message can be found [here](#).
- AB 1782 by Assemblymember Reginald Byron Jones-Sawyer, Sr. (D-Los Angeles) ♦ Jails: commissary. A veto message can be found [here](#).
- AB 1794 by Assemblymember Mike Gipson (D-Carson) ♦ Postadoption contact agreements: reinstatement of parental rights. A veto message can be found [here](#).
- AB 1859 by Assemblymember Marc Levine (D-Marin County) ♦ Mental health and substance use disorder treatment. A veto message can be found [here](#).
- AB 1896 by Assemblymember Bill Quirk (D-Hayward) ♦ Gamete banks. A veto message can be found [here](#).

AB 2042 by Assemblymember Carlos Villapudua (D-Stockton) ♦ Child daycare facilities: anaphylactic policy. A veto message can be found [here](#).

- AB 2144 by Assemblymember James C. Ramos (D-Highland) ♦ Mental health: information sharing. A veto message can be found [here](#).
- AB 2247 by Assemblymember Richard Bloom (D-Santa Monica) ♦ Perfluoroalkyl and polyfluoroalkyl substances (PFAS) and PFAS products and product components: publicly accessible data collection interface. A veto message can be found [here](#).
- AB 2283 by Assemblymember James Gallagher (R-Yuba City) ♦ Public utilities: wildfires: victim compensation. A veto message can be found [here](#).
- AB 2296 by Assemblymember Reginald Byron Jones-Sawyer, Sr. (D-Los Angeles) ♦ Task Force to Study and Develop Reparation Proposals for African Americans. A veto message can be found [here](#).
- AB 2343 by Assemblymember Dr. Akilah Weber (D-San Diego) ♦ Board of State and Community Corrections. A veto message can be found [here](#).
- AB 2438 by Assemblymember Laura Friedman (D-Glendale) ♦ Transportation funding: guidelines and plans. A veto message can be found [here](#).
- AB 2441 by Assemblymember Ash Kalra (D-San Jose) ♦ Public employment: local public transit agencies: autonomous transit vehicle technology. A veto message can be found [here](#).
- AB 2510 by Assemblymember Lori Wilson (D-Suisun City) ♦ Vehicles: driver's licenses. A veto message can be found [here](#).
- AB 2520 by Assemblymember Jesse Gabriel (D-Encino) ♦ Department of Justice: Office of Access to Justice. A veto message can be found [here](#).
- AB 2632 by Assemblymember Chris Holden (D-Pasadena) ♦ Segregated confinement. A veto message can be found [here](#).
- AB 2716 by Assemblymember Tim Grayson (D-Concord) ♦ Transportation network companies: participating drivers: safety courses. A veto message can be found [here](#).
- AB 2717 by Assemblymember Marie Waldron (R-Escondido) ♦ Prisoners: California Healthy Start Act. A veto message can be found [here](#).
- AB 2730 by Assemblymember Carlos Villapudua (D-Stockton) ♦

Prisons: rehabilitation programs. A veto message can be found [here](#).

- AB 2749 by Assemblymember Sharon Quirk-Silva (D-Fullerton) ♦  
Communications: California Advanced Services Fund. A veto message can be found [here](#).
- AB 2775 by Assemblymember Sharon Quirk-Silva (D-Fullerton) ♦  
Automobiles and recreational vehicles: registration fees. A veto message can be found [here](#).
- SB 284 by Senator Henry Stern (D-Los Angeles) ♦ ♦ Workers ♦  
compensation: firefighters and peace officers: post-traumatic stress. A veto message can be found [here](#).
- SB 346 by Senator Bob Wieckowski (D-Fremont) ♦ ♦ In-vehicle cameras. A veto message can be found [here](#).
- SB 867 by Senator John Laird (D-Santa Cruz) ♦ ♦ Sea level rise: planning and adaptation. A veto message can be found [here](#).
- SB 912 by Senator Monique Limón (D-Santa Barbara) ♦ ♦ Biomarker testing. A veto message can be found [here](#).
- SB 936 by Senator Steven Glazer (D-Orinda) ♦ ♦ California Conservation Corps: forestry training center: formerly incarcerated individuals: reporting. A veto message can be found [here](#).
- SB 981 by Senator Steven Glazer (D-Orinda) ♦ ♦ Criminal procedure: factual innocence. A veto message can be found [here](#).
- SB 1018 by Senator Richard Pan (D-Sacramento) ♦ ♦ Platform Accountability and Transparency Act. A veto message can be found [here](#).
- SB 1036 by Senator Josh Newman (D-Fullerton) ♦ ♦ California Conservation Corps: California Ocean Corps Program. A veto message can be found [here](#).
- SB 1066 by Senator Melissa Hurtado (D-Sanger) ♦ ♦ California Farmworkers Drought Resilience Pilot Project. A veto message can be found [here](#).
- SB 1078 by Senator Ben Allen (D-Santa Monica) ♦ ♦ Sea Level Rise Revolving Loan Pilot Program. A veto message can be found [here](#).
- SB 1113 by Senator Rosilicie Ochoa Bogh (R-Yucaipa) ♦ ♦ Special education: inclusive education: universal design for learning. A veto message can be found [here](#).
- SB 1144 by Senator Scott Wiener (D-San Francisco) ♦ ♦ Water efficiency and quality assessment reports: state buildings and public school buildings. A veto message can be found [here](#).

- SB 1247 by Senator Ben Hueso (D-San Diego) ♦ Franchises. A veto message can be found [here](#).
- SB 1256 by Senator Bob Wieckowski (D-Fremont) ♦ Waste management: disposable propane cylinders. A veto message can be found [here](#).
- SB 1262 by Senator Steven Bradford (D-Gardena) ♦ Courts: indexes. A veto message can be found [here](#).
- SB 1304 by Senator Sydney Kamlager (D-Los Angeles) ♦ Prisons: release allowance. A veto message can be found [here](#).
- SB 1364 by Senator Mar♦a Elena Durazo (D-Los Angeles) ♦ University of California: vendors. A veto message can be found [here](#).
- SB 1371 by Senator Steven Bradford (D-Gardena) ♦ Incarcerated persons: wages. A veto message can be found [here](#).
- SB 1387 by Senator Monique Lim♦n (D-Santa Barbara) ♦ Gubernatorial appointments: report. A veto message can be found [here](#).
- SB 1468 by Senator Steven Glazer (D-Orinda) ♦ Factual innocence. A veto message can be found [here](#).

For full text of the bills, visit: <http://leginfo.legislature.ca.gov>.

# # #

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Governor Gavin Newsom  
1601 O Street, Suite 900  
Sacramento, CA 95814

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**From:** [REDACTED]  
**To:** [REDACTED]  
**Subject:** Fwd: Racial Justice Act opinion  
**Date:** Friday, May 27, 2022 1:59:58 PM  
**Attachments:** [A162850.PDF](#)

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**From:** [REDACTED]  
**Sent:** Friday, May 27, 2022 12:14:19 PM  
**To:** Smittcamp, Lisa [REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

**Subject:** Racial Justice Act opinion

Attached is the first published opinion discussing discovery with the racial justice act [REDACTED] out of the 1<sup>st</sup> district.

Interesting things the defense attorney asked for in discovery in preparation of filing a motion:

1. The name and case number of every individual against whom charges for a violation of Health and Safety Code 11378, 11379, 11377, and 11350 have been filed in the last five years from January 1, 2016 to March 17, 2021 or the date of receipt of this request, whichever is later.
2. The police reports that form the basis of all of the charges in all of those cases.
3. The disposition if any of all of the cases.
4. The name and case number of every individual against whom the district attorney declined to prosecute for any of the above-listed Health and Safety Code violations.
5. The name and case number of every sentencing that occurred for a violation of one of the above-listed Health and Safety Codes, whether or not joined with other charges, from the period between January 1, 2016 and March 17, 2017, or the date of receipt of this request, whichever is later.
6. The criminal history of every defendant for whom the district attorney provides the above-requested data.

Trial court denied [REDACTED] and the appellate court sent it back down with some direction.

I have not read the entire opinion yet.

[REDACTED]  
Assistant District Attorney  
Fresno County District Attorney [REDACTED]'s Office  
[REDACTED]  
[REDACTED]



**From:** [REDACTED]  
**To:** [REDACTED]  
**Subject:** Re: AB 2542 and AB 256 Petitions  
**Date:** Thursday, February 16, 2023 8:49:55 AM

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I am not aware of any.

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**From:** [REDACTED]  
**Sent:** Thursday, February 16, 2023 8:43:56 AM  
**To:** [REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

**Subject:** RE: AB 2542 and AB 256 Petitions

These would be petitions under the Racial Justice Act claiming the office is prosecuting or sentencing people based on race, ethnicity, or national origin.

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**From:** [REDACTED]  
**Sent:** Thursday, February 16, 2023 8:25 AM  
**To:** [REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

**Subject:** AB 2542 and AB 256 Petitions

Good morning,

Has anyone received a petition relating to either of these assembly bills? If so, please let me know.

Thanks,

[REDACTED]