

SUPREME COURT OF CALIFORNIA

People v. Delgado

43 Cal. 4th 1059 (Cal. 2008) · No. S141282 · Decided May 29, 2008

SUMMARY

The Supreme Court of California held that certified records, including an abstract of judgment describing a prior conviction as "assault with a deadly weapon" under Penal Code section 245(a)(1), provided sufficient evidence that the conviction was for a serious felony. The court affirmed the sentence enhancements, concluding that the notation clearly identified the deadly-weapon prong rather than the alternative great-bodily-injury prong. The court disapproved *People v. Luna* to the extent it conflicted with this reasoning.

CASE DETAILS

COURT	Supreme Court of California
WRITING FOR THE COURT	Baxter, J.; George, C. J.; Kennard, J.; Werdegar, J.; Chin, J.; Moreno, J.; Corrigan, J.
JURISDICTION	California
DECIDED	May 29, 2008
DOCKET	S141282
DISPOSITION	affirmed
PROCEDURAL POSTURE	Appeal from a judgment affirming a trial court's finding that defendant's prior Penal Code section 245(a)(1) conviction was a serious felony qualifying for sentencing enhancements.
STANDARD OF REVIEW	The court reviewed the record in the light most favorable to the judgment to determine whether substantial evidence supported the finding and whether a rational trier of fact could find the enhancement allegations true beyond a reasonable doubt.
PRECEDENTIAL VALUE	Published, precedential California Supreme Court opinion; binding statewide precedent.
PARTIES	Jesse Joe Delgado v. The People

TOPICS

- sentencing
- criminal procedure
- evidence
- statutory interpretation
- burden of proof

PRACTICE AREAS

California criminal law

sentencing enhancements

prior conviction proof

criminal evidence

QUESTIONS PRESENTED

1. Whether the certified abstract of judgment's notation "Asslt w DWpn," together with its identification of Penal Code section 245(a)(1), constituted sufficient evidence beyond a reasonable doubt that Delgado's prior conviction was for assault with a deadly weapon, a serious felony.
2. Whether the abstract of judgment was sufficiently reliable and admissible to establish the nature of the prior conviction despite a conflicting or unclear FBI document.

HOLDINGS

1. An official abstract of judgment that separately identifies Penal Code section 245(a)(1) and clearly describes the offense as assault with a deadly weapon may constitute sufficient substantial evidence that the prior conviction occurred under the deadly-weapon prong, when the defendant presents no rebuttal evidence.
2. The trial court could rely on the contemporaneous abstract of judgment over an untitled FBI document of unclear origin and purpose that appeared to conflict with it.

KEY QUOTATIONS

"However, if the prior conviction was for an offense that can be committed in multiple ways, and the record of the conviction does not disclose how the offense was committed, a court must presume the conviction was for the least serious form of the offense." (1066)

"The People therefore presented prima facie evidence, in the form of a clear, presumptively reliable official record of defendant's prior conviction, that the conviction was for the serious felony of assault with a deadly weapon." (1070)

FACTUAL BACKGROUND

Delgado was convicted of second degree robbery and second degree commercial burglary after he took merchandise from a market, threatened a loss-prevention officer with a knife, and threw a liquor bottle that struck the officer. The prosecution alleged that Delgado had a prior conviction under Penal Code section 245(a)(1), which can involve either assault with a deadly weapon or assault by force likely to produce great bodily injury. The certified record of the prior conviction included an abstract of judgment identifying the offense as "Asslt w DWpn," and Delgado offered no contrary evidence.

PROCEDURAL HISTORY

After a jury convicted Delgado of second degree robbery and second degree commercial burglary, the trial court found true an alleged prior serious felony conviction under Penal Code section 245(a)(1) and imposed sentence enhancements. The Court of Appeal affirmed. The California Supreme Court granted review and affirmed the Court of Appeal.

DISPOSITION

affirmed

CASES CITED

- People v. Tenner, 6 Cal. 4th 559, 566-567 (1993)
- People v. Reed, 13 Cal. 4th 217, 222-223, 229 (1996)
- People v. Guerrero, 44 Cal. 3d 343, 354-356 (1988)
- People v. Myers, 5 Cal. 4th 1193, 1201 (1993)
- People v. Prieto, 30 Cal. 4th 226, 258-259 (2003)
- People v. Henley, 72 Cal. App. 4th 555, 559-561 (1999)
- People v. Haney, 26 Cal. App. 4th 472, 475-476 (1994)
- People v. Epps, 25 Cal. 4th 19, 27 (2001)
- People v. Rodriguez, 17 Cal. 4th 253, 261-262 (1998)
- People v. Watts, 131 Cal. App. 4th 589, 596 (2005)
- People v. Cortez, 73 Cal. App. 4th 276, 280 (1999)
- People v. Jones, 75 Cal. App. 4th 616, 631-632 (1999)
- People v. Luna, 113 Cal. App. 4th 395, 397-398 (2003)
- People v. Banuelos, 130 Cal. App. 4th 601, 605-606 (2005)
- People v. Williams, 50 Cal. App. 4th 1405, 1409, 1412-1413 (1996)
- People v. Mitchell, 26 Cal. 4th 181, 185-186 (2001)
- People v. Mesa, 14 Cal. 3d 466, 471 (1975)
- People v. Hartsell, 34 Cal. App. 3d 8, 14 (1973)
- In re Black, 66 Cal. 2d 881, 890 (1967)
- People v. Hong, 64 Cal. App. 4th 1071, 1080 (1998)
- People v. Wheeler, 4 Cal. 4th 284, 300 n.13 (1992)
- People v. Woodell, 17 Cal. 4th 448, 459 (1998)

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