

CALIFORNIA COURT OF APPEAL, SECOND APPELLATE DISTRICT,
DIVISION SIX

People v. Wilson

2d Crim. No. B323666 · No. B323666 · Decided June 9, 2025

SUMMARY

The California Court of Appeal affirms Gregory Wilson’s convictions for human trafficking, kidnapping, and criminal threats. The court holds that the record does not establish ineffective assistance of counsel as a matter of law based on counsel’s failure to object to the prosecutor’s use of the term “gorilla pimp” under the California Racial Justice Act, and concludes that the issue is more appropriately raised in habeas corpus proceedings. The court also rejects Wilson’s challenges to the sufficiency of the evidence, sentencing, and multiple punishment under Penal Code section 654.

CASE DETAILS

COURT	California Court of Appeal, Second Appellate District, Division Six
WRITING FOR THE COURT	Yegan, J.; Gilbert, P. J.; Cody, J.
JURISDICTION	California Court of Appeal, Second Appellate District, Division Six
DECIDED	June 9, 2025
DOCKET	B323666
DISPOSITION	affirmed
PROCEDURAL POSTURE	Gregory Wilson appealed from a judgment entered after a jury convicted him of human trafficking, kidnapping, and criminal threats and after the trial court imposed an aggregate sentence of 31 years and 8 months plus 30 years to life. On appeal, he challenged the prosecutor's use of the term "gorilla pimp" under California's Racial Justice Act, asserted ineffective assistance of counsel, challenged the sufficiency of the evidence, and raised sentencing and Penal Code section 654 issues.
STANDARD OF REVIEW	Sufficiency of the evidence is reviewed under the substantial-evidence standard, viewing the whole record in the light most favorable to the judgment and asking whether any rational trier of fact could have found the elements beyond a reasonable doubt. Sentencing decisions are reviewed for abuse of discretion. An implied finding of separate criminal intents and objectives under Penal Code section 654 is reviewed for substantial evidence.

PRECEDENTIAL VALUE	published and precedential
PARTIES	Gregory Wilson v. The People

TOPICS

ineffective assistance prosecutorial misconduct criminal procedure sentencing appellate procedure

PRACTICE AREAS

criminal law criminal procedure constitutional law appellate practice sentencing

QUESTIONS PRESENTED

1. Whether defense counsel rendered ineffective assistance by failing to object to the prosecutor's use of the term "gorilla pimp" under the Racial Justice Act.
2. Whether the prosecutor's use of the term "gorilla pimp" constituted prosecutorial misconduct or violated the Racial Justice Act, and whether the claim was forfeited by the failure to object.
3. Whether substantial evidence supported Wilson's human-trafficking convictions and the great-bodily-injury enhancement.
4. Whether substantial evidence supported the kidnapping convictions involving K.W. and B.C.
5. Whether the trial court abused its discretion by imposing middle-term sentences rather than lower terms.
6. Whether Penal Code section 654 barred separate punishment for kidnapping and trafficking K.W. and B.C.

HOLDINGS

1. On the appellate record, Wilson failed to establish ineffective assistance of counsel as a matter of law because the record did not disclose why counsel failed to object and did not establish that no satisfactory tactical explanation existed. The claim was more appropriately pursued in habeas corpus, where counsel could explain the conduct.
2. Wilson forfeited his claims that the prosecutor committed misconduct or violated the Racial Justice Act because he did not make a timely objection on the same ground and request an admonition.
3. Substantial evidence supported Wilson's conviction for trafficking B.W. under Penal Code section 236.1, subdivision (b), because the evidence permitted the jury to find a substantial and sustained restriction of her liberty through monitoring, financial control, physical abuse, and fear for the purpose of pimping her.
4. Substantial evidence supported the trafficking convictions involving minors K.W. and B.C. and the finding that Wilson inflicted great bodily injury on B.W.
5. Substantial evidence supported the kidnapping convictions for K.W. and B.C. The evidence permitted findings that K.W. was transported a substantial distance without consent for an illegal purpose and that B.C. was forcibly or fearfully returned a substantial distance to the motel after fleeing.

6. The trial court did not abuse its discretion by imposing middle-term sentences rather than lower terms under Penal Code section 1170, subdivision (b)(6).
7. Section 654 did not bar separate punishment for kidnapping and trafficking K.W. and B.C. because substantial evidence supported an implied finding that the kidnappings involved objectives separate from the subsequent trafficking.

KEY QUOTATIONS

“Based upon the present record, we conclude that defense counsel was not ineffective as a matter of law. His claim of ineffective counsel should be resolved in a habeas corpus proceeding instead of on appeal.” (at 2)

“Counsel could have reasonably believed that the prosecutor had not “used racially discriminatory language about the defendant’s race” or “racially charged or racially coded language.”” (at 12)

“Accordingly, we affirm.” (at 28)

FACTUAL BACKGROUND

Wilson acted as a pimp for B.W., an adult woman, and required her to turn over all money earned through commercial sex work, monitored her, imposed daily earnings requirements, and repeatedly beat and choked her. He recruited or controlled minors K.W. and B.C., caused or helped transport K.W. to a location where sex workers worked, forced both minors to perform commercial sex acts, and took their earnings. The victims described physical violence, threats, fear, and restrictions on their ability to leave; Wilson also pursued B.C. after she fled and returned her to the motel. During closing argument, the prosecutor repeatedly referred to Wilson as a "gorilla pimp," including while describing his physical size and the victims' fear.

PROCEDURAL HISTORY

A Los Angeles County jury convicted Wilson of six charged offenses, including trafficking three victims and kidnapping two victims; it acquitted him of rape and forcible oral copulation and found a great-bodily-injury allegation true. The trial court imposed the stated determinate and indeterminate terms. The Court of Appeal held that the Racial Justice Act and ineffective-assistance claims could not be resolved on the appellate record, rejected the sufficiency and sentencing challenges, and affirmed the judgment. Justice Cody concurred in part and dissented from the discussion and disposition concerning the Racial Justice Act.

DISPOSITION

affirmed

CASES CITED

- People v. Wilson, 3 Cal. 4th 926, 936 (1992)
- People v. Thomas, 51 Cal. 4th 449, 491 (2011)
- People v. Singh, 103 Cal. App. 5th 76, 114 (2024)
- In re Ernesto R., 230 Cal. App. 4th 219, 221 (2014)

- People v. Simmons, 96 Cal. App. 5th 323, 336 (2023)
- People v. Mendoza Tello, 15 Cal. 4th 264, 266-267 (1997)
- People v. Romero and Self, 62 Cal. 4th 1, 25 (2015)
- People v. Price, 1 Cal. 4th 324, 387 (1991)
- People v. Riel, 22 Cal. 4th 1153, 1197 (2000)
- People v. Seumanu, 61 Cal. 4th 1293, 1312 (2015)
- People v. Moses, 10 Cal. 5th 893, 896 (2020)
- People v. Zambia, 51 Cal. 4th 965, 971 (2011)
- People v. Leonard, 228 Cal. App. 4th 465, 492 (2014)
- United States v. O'Neal, 742 F. App'x 836, 838 (5th Cir. 2018)
- State v. Hogan, 397 Wis. 2d 171, 180, 959 N.W.2d 658 (Wis. Ct. App. 2021)
- State v. Lampley, 265 So. 3d 799, 809 (La. Ct. App. 2018)
- Poole v. State, 284 So. 3d 604, 605-608 (Fla. Dist. Ct. App. 2019)
- State v. McKenzie, 21 Wn. App. 2d 722, 723, 734, 508 P.3d 205 (2022)
- People v. Bills, 38 Cal. App. 4th 953, 962 (1995)
- People v. Zamudio, 43 Cal. 4th 327, 357 (2008)
- People v. Oliver, 54 Cal. App. 5th 1084, 1099-1100 (2020)
- People v. Guyton, 20 Cal. App. 5th 499, 507 (2018)
- People v. Bell, 179 Cal. App. 4th 428, 435 (2009)
- People v. Delacerda, 236 Cal. App. 4th 282, 295 (2015)
- People v. Sandoval, 41 Cal. 4th 825, 847 (2007)
- People v. Latimer, 5 Cal. 4th 1203, 1208 (1993)
- In re L.J., 72 Cal. App. 5th 37, 43 (2021)
- People v. Surdi, 35 Cal. App. 4th 685, 688-689 (1995)
- Lafler v. Cooper, 566 U.S. 156, 170 (2012)

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