

CALIFORNIA COURT OF APPEAL, SECOND APPELLATE DISTRICT,
DIVISION THREE

People v. Taito

Taito · No. B337324 · Decided October 28, 2025

SUMMARY

The California Court of Appeal affirmed the denial of Safoloooi Sam Taito’s petition for resentencing under Penal Code section 1172.6. The court held that the record conclusively established Taito’s eligibility for conviction under the current felony-murder statute because the jury found him guilty of first degree felony murder and found true a felony-murder special circumstance. The court also interpreted Penal Code section 189, subdivision (e)(2), as requiring a non-killer to aid, abet, or assist in the qualifying felony with intent to kill, rather than necessarily assisting in the killing itself.

CASE DETAILS

COURT	California Court of Appeal, Second Appellate District, Division Three
WRITING FOR THE COURT	Hanasono, J.; Egerton, Acting P. J.; Adams, J.
JURISDICTION	California Court of Appeal, Second Appellate District, Division Three
DECIDED	October 28, 2025
DOCKET	B337324
DISPOSITION	affirmed
PROCEDURAL POSTURE	Appeal from the summary denial, at the prima facie stage, of a petition for resentencing under California Penal Code section 1172.6.
STANDARD OF REVIEW	De novo review applies to whether the record of conviction establishes that a petitioner is ineligible for section 1172.6 relief as a matter of law.
PRECEDENTIAL VALUE	Published and certified for publication; precedential under California law, subject to subsequent California Supreme Court review of the statutory issue discussed.
PARTIES	Safoloooi Sam Taito v. The People

TOPICS

- post-conviction relief
- sentencing
- statutory interpretation
- appellate procedure
- criminal procedure

PRACTICE AREAS

criminal procedure

post-conviction relief

sentencing

statutory interpretation

appellate procedure

QUESTIONS PRESENTED

1. Whether the record of conviction conclusively established that Taito was ineligible for resentencing under Penal Code section 1172.6.
2. Whether a felony-murder special-circumstance finding under the former law established that a nonactual killer aided, abetted, or assisted in the qualifying felony with the intent to kill, as required by current Penal Code section 189, subdivision (e)(2).
3. Whether the trial court properly denied Taito's section 1172.6 petition at the prima facie stage without issuing an order to show cause.

HOLDINGS

1. A defendant is ineligible for section 1172.6 resentencing when the record of conviction conclusively establishes that the jury found the defendant guilty of first degree felony murder under a theory valid under current Penal Code section 189, subdivision (e). Taito's felony-murder special-circumstance finding established such ineligibility as a matter of law.
2. For a nonactual killer, Penal Code section 189, subdivision (e)(2) requires aiding, abetting, or assisting in the qualifying underlying felony, rather than aiding, abetting, or assisting the killing itself, when the participant acts with the intent to kill.
3. The trial court properly denied Taito's section 1172.6 petition at the prima facie stage because the record of conviction conclusively established his ineligibility; no order to show cause or evidentiary hearing was required.

KEY QUOTATIONS

“Dismissal at the prima facie showing stage requires that the record of conviction conclusively establish the jury made findings on all elements necessary to convict under the current law.” (8)

“Thus, under the terms of the felony-murder statute, the two phrases are equivalents: assisting a qualifying felony in which a death occurs is the same as assisting the actual killer in committing first degree murder, and vice versa.” (12)

“We conclude Taito is ineligible because the record conclusively establishes, at the very least, he was found guilty of first degree felony murder under a valid theory.” (17)

FACTUAL BACKGROUND

In March 1993, Taito and codefendant Itiitilogoma Su’e repeatedly punched and kicked Librado Godoy Lopez, searched his person, and took or attempted to take his property. Taito was seen stabbing Lopez in the head with a screwdriver and later driving Lopez’s car; Lopez died from multiple blunt-force and penetrating head injuries. The prosecution tried the case on premeditated-murder and felony-murder theories, and the jury convicted Taito of first degree murder and found true a felony-murder special circumstance.

PROCEDURAL HISTORY

Taito was convicted in 1994 of first degree murder, second degree robbery, and a personal-use deadly-weapon enhancement; the jury also found true a felony-murder special circumstance. The Court of Appeal affirmed his judgment of conviction in 1997. Taito filed a section 1172.6 resentencing petition in 2021, and the superior court denied it without issuing an order to show cause. The Court of Appeal affirmed.

DISPOSITION

affirmed

CASES CITED

- People v. Safoloooi (Mar. 31, 1997, B091355) [nonpub. opn.]
- People v. Gentile, 10 Cal. 5th 830, 842-843 (2020)
- People v. Wilson, 14 Cal. 5th 839, 869 (2023)
- People v. Curiel, 15 Cal. 5th 433, 449-450 (2023)
- People v. Lewis, 11 Cal. 5th 952, 957, 970-972 (2021)
- People v. Strong, 13 Cal. 5th 698, 707-709 (2022)
- People v. Lopez, 78 Cal. App. 5th 1, 14 (2022)
- People v. Mares, 99 Cal. App. 5th 1158, 1173 (2024)
- People v. Lopez, 88 Cal. App. 5th 566, 574, 578-579 (2023)
- People v. Morris, 100 Cal. App. 5th 1016, 1020, 1025-1028 (2024), review granted July 17, 2024, S284751
- People v. Lopez, 104 Cal. App. 5th 616, 619, 621-623 (2024), review granted November 13, 2024, S278162
- People v. Kelly, 105 Cal. App. 5th 162, 173-174 (2024), review granted November 26, 2024, S287341
- People v. Jackson, 110 Cal. App. 5th 128, 167, 171-172 (2025), review granted June 11, 2025, S290457
- People v. Dickey, 35 Cal. 4th 884, 900 (2005)