

SUPREME COURT OF CALIFORNIA

People v. Calhoun

40 Cal. 4th 398, 150 P.3d 220, 53 Cal. Rptr. 3d 539 (Cal. 2007) · No. S129896 · Decided January 29, 2007

SUMMARY

The California Supreme Court held that a person convicted of gross vehicular manslaughter as an aider and abettor may receive the five-year Vehicle Code section 20001(c) enhancement for fleeing the scene. The court also held that multiple victims may support imposition of an upper-term sentence when the defendant was convicted of separate offenses involving multiple victims. The court reversed the Court of Appeal and remanded with instructions to reinstate the enhancement findings and sentences.

CASE DETAILS

COURT	Supreme Court of California
WRITING FOR THE COURT	Corrigan, J.; George, C. J.; Baxter, J.; Chin, J.; Moreno, J.; Kennard, J.; Werdegar, J.
JURISDICTION	California
DECIDED	January 29, 2007
DOCKET	S129896
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	The defendants sought review of a Court of Appeal judgment that vacated Calhoun's Vehicle Code section 20001(c) flight enhancements and vacated Waller's upper-term manslaughter sentences based on the multiple-victim aggravating factor.
STANDARD OF REVIEW	The court interpreted the governing statutes and sentencing rules de novo; it reviewed the legality of the sentencing decisions for abuse of discretion and applied harmless-error principles to any sentencing error.
PRECEDENTIAL VALUE	published, precedential California Supreme Court opinion
PARTIES	Lawrence Lamont Calhoun, George Kenneth Waller, Jr. v. The People

TOPICS

- statutory interpretation
- sentencing
- criminal procedure
- constitutional law
- legislative history

PRACTICE AREAS

criminal law

California sentencing

vehicular manslaughter

criminal enhancements

statutory interpretation

QUESTIONS PRESENTED

1. Whether a defendant convicted of gross vehicular manslaughter as an aider and abettor may receive the five-year Vehicle Code section 20001(c) enhancement for fleeing the scene.
2. Whether a trial court may rely on the multiple-victim circumstance to impose an upper-term sentence when each victim is named in a separate count.

HOLDINGS

1. An aider and abettor convicted of gross vehicular manslaughter may receive the Vehicle Code section 20001(c) enhancement when the defendant personally flees the scene after committing the underlying offense.
2. A trial court may rely on the fact that a single violent incident involved multiple victims to impose an upper-term sentence even when each victim is named in a separate count, provided the factor is stated on the record and the court does not use the same factor both to impose the upper term and consecutive sentences.

KEY QUOTATIONS

“We conclude that by creating an enhancement for those who flee the scene after “committing” manslaughter, the Legislature intended the enhancement to apply to all principals, both aiders and abettors as well as direct perpetrators.” (40 Cal. 4th at 403)

“There is no persuasive reason why the trial court should not be allowed to consider the fact of multiple victims as a basis for imposing either the upper term or a consecutive sentence, although it cannot do both.” (40 Cal. 4th at 408)

FACTUAL BACKGROUND

Calhoun and Waller were drag racing at more than 70 miles per hour when Waller struck another car. Two people died, one passenger was profoundly disabled, and another suffered great bodily injury. Calhoun left the scene, drove home, and surrendered more than two months later. The defendants were convicted of gross vehicular manslaughter and reckless driving causing bodily injury.

PROCEDURAL HISTORY

A jury acquitted both defendants of second degree murder but convicted them of gross vehicular manslaughter and reckless driving causing bodily injury; it also found that Calhoun fled the scene. The trial court imposed flight enhancements on Calhoun and upper-term manslaughter sentences on Waller. The Court of Appeal vacated those sentencing components and remanded. The California Supreme Court reversed and directed reinstatement of the enhancements and terms.

DISPOSITION

reversed_and_remanded

REMAND INSTRUCTIONS

The Court of Appeal was instructed to reinstate the true findings on the Vehicle Code section 20001(c) allegations against Calhoun and the two six-year terms imposed on Waller.

CASES CITED

- People v. McCoy, 25 Cal. 4th 1111, 1120, 24 P.3d 1210 (2001)
- People v. Lee, 31 Cal. 4th 613, 622, 626, 74 P.3d 176 (2003)
- People v. Piper, 42 Cal. 3d 471, 476-477, 722 P.2d 899 (1986)
- People v. Walker, 18 Cal. 3d 232, 241-242, 555 P.2d 306 (1976)
- In re Antonio R., 226 Cal. App. 3d 476, 479, 275 Cal. Rptr. 442 (1990)
- People v. Harvey, 25 Cal. 3d 754, 757-759, 602 P.2d 396 (1979)
- People v. Guevara, 88 Cal. App. 3d 86, 92-94, 151 Cal. Rptr. 511 (1979)
- People v. Klaess, 129 Cal. App. 3d 820, 821-823, 181 Cal. Rptr. 355 (1982)
- People v. Burney, 115 Cal. App. 3d 497, 502, 505, 171 Cal. Rptr. 329 (1981)
- People v. McNiece, 181 Cal. App. 3d 1048, 1061, 226 Cal. Rptr. 733 (1986)
- People v. Oates, 32 Cal. 4th 1048, 1063, 88 P.3d 56 (2004)
- People v. Champion, 9 Cal. 4th 879, 934, 39 Cal. Rptr. 2d 547, 891 P.2d 93 (1995)
- Cunningham v. California, 549 U.S. 270, 127 S. Ct. 856 (2007)
- People v. Price, 1 Cal. 4th 324, 492, 821 P.2d 610 (1991)
- People v. Osband, 13 Cal. 4th 622, 728, 919 P.2d 640 (1996)