

CALIFORNIA COURT OF APPEAL, SECOND APPELLATE DISTRICT,  
DIVISION EIGHT

People v. Gresham

B332270 (Cal. Ct. App. July 28, 2025) · No. B332270 · Decided July 28, 2025

SUMMARY

The California Court of Appeal affirmed Royce Day Gresham’s conviction for resisting a peace officer under Penal Code section 148, subdivision (a)(1). The court held that the statute requires proof that the defendant knew or reasonably should have known that the person resisted was a peace officer performing official duties, rejecting an actual-knowledge requirement. The court also upheld the denial of Gresham’s Pitchess motion.

CASE DETAILS

|                       |                                                                                                                                                                                                                                                                                                        |
|-----------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| COURT                 | California Court of Appeal, Second Appellate District, Division Eight                                                                                                                                                                                                                                  |
| WRITING FOR THE COURT | Per Curiam; Stratton, P. J.; Viramontes, J.; Wiley, J.                                                                                                                                                                                                                                                 |
| JURISDICTION          | California Court of Appeal, Second Appellate District, Division Eight                                                                                                                                                                                                                                  |
| DECIDED               | July 28, 2025                                                                                                                                                                                                                                                                                          |
| DOCKET                | B332270                                                                                                                                                                                                                                                                                                |
| DISPOSITION           | affirmed                                                                                                                                                                                                                                                                                               |
| PROCEDURAL POSTURE    | Gresham appealed from a judgment of conviction in the Los Angeles County Superior Court, challenging the sufficiency of the evidence supporting his conviction for resisting a peace officer under Penal Code section 148, subdivision (a)(1), and the denial of his Pitchess discovery motion.        |
| STANDARD OF REVIEW    | Sufficiency of the evidence is reviewed under the deferential substantial-evidence standard, viewing the evidence in the light most favorable to the judgment. Legal questions involving statutory interpretation are reviewed independently. A ruling on a Pitchess motion is reviewed deferentially. |
| PRECEDENTIAL VALUE    | published                                                                                                                                                                                                                                                                                              |
| PARTIES               | Royce Day Gresham v. The People                                                                                                                                                                                                                                                                        |

TOPICS

statutory interpretation

mens rea

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standard of review

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## PRACTICE AREAS

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## QUESTIONS PRESENTED

1. Whether Penal Code section 148, subdivision (a)(1), requires proof that the defendant actually knew the person being resisted was a peace officer, or whether it is sufficient that the defendant knew or reasonably should have known that fact.
2. Whether substantial evidence supported Gresham's conviction for resisting a peace officer.
3. Whether the trial court properly denied Gresham's Pitchess motion seeking discovery concerning alleged excessive force and false reporting by the arresting deputies.

## HOLDINGS

1. A conviction under Penal Code section 148, subdivision (a)(1), requires the jury to find that the defendant knew or reasonably should have known that the person being resisted was a peace officer engaged in the performance of official duties; actual knowledge is not required.
2. Substantial evidence supported Gresham's conviction for resisting a peace officer.
3. The trial court properly denied Gresham's Pitchess motion because he failed to establish a plausible factual foundation for discovery concerning excessive force or false reporting.

## KEY QUOTATIONS

*“section 148, subdivision (a) requires that a jury find only that a defendant “knew or reasonably should have known” that the person they were resisting was a peace officer acting in the lawful performance of official duties.” (8)*

*“we review the evidence in the light most favorable to the judgment to determine whether it discloses substantial evidence – that is, evidence which is reasonable, credible, and of solid value—such that a reasonable trier of fact could find the defendant guilty beyond a reasonable doubt.” (10)*

*“Gresham could not credibly dispute the content of these videos, nor did he offer a plausible alternative scenario of excessive force by the deputies that somehow escaped the cameras.” (12)*

## FACTUAL BACKGROUND

Gresham drove his car into the ground-floor bedroom wall of a neighboring apartment and subsequently fought with a resident near the accident scene. Deputies arrived in a marked patrol car with lights and sirens, wearing uniforms, badges, firearms, and utility belts, and attempted to detain and handcuff Gresham. Gresham repeatedly pulled away, resisted the deputies' efforts, and failed to comply with commands to stop resisting and place his arms behind his back. The encounter was recorded on the deputies' body cameras.

## PROCEDURAL HISTORY

The People charged Gresham with assault with a deadly weapon, misdemeanor vandalism, misdemeanor resisting arrest, and hit-and-run. After a jury trial, Gresham was convicted of resisting arrest, acquitted of assault and vandalism, and the hit-and-run count was dismissed after the jury deadlocked. The Court of Appeal affirmed the judgment and held the trial court properly denied the Pitchess motion.

## DISPOSITION

affirmed

## CASES CITED

- In re Muhammed C., 95 Cal. App. 4th 1325, 1329 (2002)
- People v. Simons, 42 Cal. App. 4th 1100, 1108-1109 (1996)
- People v. Lopez, 188 Cal. App. 3d 592, 596-600 (1986)
- In re A.L., 38 Cal. App. 5th 15, 22-23 (2019)
- People v. Mackreth, 58 Cal. App. 5th 317, 328, 332-336, 341-342 (2020)
- People v. Serna, 109 Cal. App. 5th 563, 567, 577 (2025)
- Yount v. City of Sacramento, 43 Cal. 4th 885, 894-895 (2008)
- People v. Ceja, 4 Cal. 4th 1134, 1138-1139 (1993)
- People v. Nguyen, 12 Cal. App. 5th 44, 47 (2017)
- Pitchess v. Superior Court, 11 Cal. 3d 531 (1974)
- People v. Gonzalez, 51 Cal. 3d 1179, 1219-1220 (1990)
- People v. Vogel, 46 Cal. 2d 798, 804 (1956)
- Auto Equity Sales, Inc. v. Superior Court, 57 Cal. 2d 450, 455 (1962)
- People v. Reynoza, 15 Cal. 5th 982, 989-990 (2024)
- People v. Atkins, 25 Cal. 4th 76, 85 (2001)
- People v. Garcia, 25 Cal. 4th 744, 751, 753-754 (2001)
- People v. Harris, 29 Cal. 678, 681 (1866)
- People v. Newton, 8 Cal. App. 3d 359, 376 (1970)
- Ratzlaf v. United States, 510 U.S. 135, 141 (1994)
- Spies v. United States, 317 U.S. 492, 497 (1943)
- Marbury v. Madison, 5 U.S. 137, 177 (1803)
- Cel-Tech Communications, Inc. v. Los Angeles Cellular Telephone Co., 20 Cal. 4th 163, 173-175 (1999)
- People v. Clark, 63 Cal. 4th 522, 617 & n.73 (2016)
- People v. Knoller, 41 Cal. 4th 139, 152, 158 (2007)
- United States v. Feola, 420 U.S. 671, 694 (1975)
- People v. Penny, 44 Cal. 2d 861, 879 (1955)
- Stark v. Superior Court, 52 Cal. 4th 368, 401, 412 (2011)
- People v. Avery, 27 Cal. 4th 49, 55, 57 (2002)

- Chapman v. California, 386 U.S. 18, 24, 26 (1967)

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