

CALIFORNIA COURT OF APPEAL, SECOND APPELLATE DISTRICT,
DIVISION SIX

People v. Jones

2d Crim. No. B337778 · No. B337778 · Decided March 17, 2026

SUMMARY

The California Court of Appeal held that a defendant confined in another county could not willfully fail to appear at a sentencing hearing when he was unable to attend because of that confinement. The court further held that uncertified court records and the other evidence presented were insufficient to prove a willful violation of the defendant’s Cruz waiver. The judgment imposing a four-year prison sentence was reversed and the matter was remanded for further proceedings consistent with the opinion.

CASE DETAILS

COURT	California Court of Appeal, Second Appellate District, Division Six
WRITING FOR THE COURT	Yegan, Acting P. J.; Baltodano, J.; Cody, J.
JURISDICTION	California Court of Appeal, Second Appellate District, Division Six
DECIDED	March 17, 2026
DOCKET	B337778
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	Defendant appealed a judgment entered after his no contest plea and the trial court's imposition of a four-year prison sentence based on an alleged violation of a Cruz waiver.
STANDARD OF REVIEW	The court reviewed whether the prosecution presented sufficient admissible evidence to establish a willful failure to appear and whether the trial court properly admitted the documentary evidence. The factual finding was required to be supported by admissible evidence.
PRECEDENTIAL VALUE	Published and certified for publication
PARTIES	Freland Brian Jones v. The People

TOPICS

- criminal procedure
- evidence
- authentication
- sentencing
- appellate procedure

PRACTICE AREAS

criminal law

criminal procedure

evidence

appellate practice

QUESTIONS PRESENTED

1. Whether a defendant confined in another county's jail can be found to have willfully failed to appear at a sentencing hearing in the county where the plea was entered.
2. Whether the prosecution established a willful Cruz waiver violation with sufficient admissible evidence.
3. Whether uncertified court records and a CLETS report were admissible and sufficient to prove the alleged post-plea offense and its date.

HOLDINGS

1. A defendant confined in jail in another county cannot willfully fail to appear at a court-ordered hearing in the first county when the confinement prevents the defendant from appearing; the defendant cannot be penalized for not appearing under those circumstances.
2. The prosecution bears the burden of proving by admissible evidence that the defendant willfully failed to appear for sentencing.
3. Uncertified, unauthenticated court records, standing alone, are insufficient to establish authentic conviction records or to prove the facts necessary to show a willful Cruz waiver violation.
4. A record of a prior conviction cannot be used to prove facts other than the fact of conviction when doing so would violate the Sixth Amendment; the date on which a crime was committed generally must be established through witnesses or other constitutionally sufficient evidence.

KEY QUOTATIONS

“A defendant confined in jail in county one, cannot willfully fail to appear, as ordered, in county two. Such a defendant does not “fail” to appear. He cannot appear. He should not suffer a penalty for not appearing.” (1)

“Whether he willfully failed to appear for sentencing was an issue of fact that had to be proved.” (3)

“The trial court consequently erred by admitting the uncertified documents, by finding a willful failure to appear for sentencing and by sentencing appellant to four years in prison.” (5)

FACTUAL BACKGROUND

Jones pleaded no contest to corporal injury to a spouse or cohabitant and violating a court order under a negotiated disposition that contemplated felony probation. As part of the plea arrangement, he agreed that failure to appear at sentencing could result in a four-year prison sentence. Jones did not appear at the scheduled sentencing hearing because he was confined in jail in Fresno County. The prosecution presented a CLETS report and three uncertified Fresno court documents, but no witnesses or declarations, to show that Jones had committed a new offense after the plea hearing and therefore willfully failed to appear.

PROCEDURAL HISTORY

Jones entered a no contest plea in the San Luis Obispo County Superior Court pursuant to a negotiated disposition providing for felony probation. The trial court advised that failure to appear for sentencing could result in a four-year prison sentence. Jones did not appear because he was incarcerated in Fresno County, but the trial court found a willful Cruz waiver violation based on uncertified Fresno court records and imposed four years in prison. The Court of Appeal reversed and remanded.

DISPOSITION

reversed_and_remanded

REMAND INSTRUCTIONS

The matter is remanded to the San Luis Obispo County Superior Court for proceedings consistent with the opinion's statements of law. Upon a proper evidentiary showing, the trial court may again impose the four-year prison term.

CASES CITED

- People v. Cruz, 44 Cal.3d 1247 (1988)
- People v. Quarterman, 202 Cal.App.4th 1280, 1292 (2012)
- People v. Lizarraga, 43 Cal.App.3d 815, 820 (1974)
- People v. Cervantes, 175 Cal.App.4th 291, 295 (2009)
- People v. Gonzalez, 42 Cal.App.5th 1144, 1151 (2019)
- People v. Skiles, 51 Cal.4th 1178, 1186-1187 (2011)
- People v. Delgado, 43 Cal.4th 1059, 1066 (2008)
- People v. Haney, 26 Cal.App.4th 472, 475 (1999)
- People v. Cuevas, 250 Cal.App.2d 901, 909 (1967)
- People v. Garcia, 46 Cal.App.5th 123, 171-172 (2020)
- People v. Seel, 34 Cal.4th 535, 550 (2004)

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