

SUPREME COURT OF CALIFORNIA

People v. Antonelli

S281599 (Cal. Apr. 24, 2025) · No. S281599 · Decided April 24, 2025

SUMMARY

The California Supreme Court held that a defendant convicted before 2009 of provocative act murder is not categorically ineligible to seek resentencing under Penal Code section 1172.6. The court explained that, before *People v. Concha* (2009), provocative act murder law permitted malice to be imputed to a nonprovocateur accomplice based solely on participation in the underlying crime. The court further held that jury instructions and the record of conviction are generally relevant to the prima facie eligibility inquiry.

CASE DETAILS

COURT	Supreme Court of California
WRITING FOR THE COURT	Justice Joshua P. Groban; Chief Justice Guerrero; Justice Corrigan; Justice Liu; Justice Kruger; Justice Jenkins; Justice Evans
JURISDICTION	California Supreme Court
DECIDED	April 24, 2025
DOCKET	S281599
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	The California Supreme Court granted review of a published Court of Appeal decision affirming the summary denial of Antonelli's second petition for resentencing under Penal Code section 1172.6. The Supreme Court reversed the Court of Appeal's categorical-ineligibility ruling and remanded for further proceedings.
STANDARD OF REVIEW	The Supreme Court reviewed de novo the Court of Appeal's legal determination that Antonelli was categorically ineligible for section 1172.6 relief. At the prima facie stage, the court may consult the record of conviction, including jury instructions, but may not resolve disputed factual issues or weigh evidence.
PRECEDENTIAL VALUE	published precedential opinion
PARTIES	Timothy Patric Antonelli v. The People

TOPICS

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PRACTICE AREAS

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QUESTIONS PRESENTED

1. Whether a defendant convicted of provocative act murder before the California Supreme Court's 2009 decision in *People v. Concha* is categorically ineligible for resentencing under Penal Code section 1172.6.
2. Whether the trial court must consider the jury instructions and other portions of the record of conviction when determining at the prima facie stage whether a section 1172.6 petitioner was convicted under a theory imputing malice based solely on participation in a crime.
3. Whether the denial of Antonelli's first section 1172.6 petition after an evidentiary hearing precludes litigation of his second petition under collateral estoppel or law-of-the-case principles.

HOLDINGS

1. A defendant convicted of provocative act murder before *People v. Concha* is not categorically barred from seeking relief under Penal Code section 1172.6 because the governing law at the time could permit malice to be imputed to a nonprovocateur accomplice solely from participation in the common criminal design.
2. The jury instructions and other portions of the record of conviction are relevant and generally critical to determining whether a petitioner was convicted under a theory that imputed malice based solely on participation in a crime.
3. The Supreme Court did not decide whether the denial of Antonelli's first petition has preclusive effect under collateral estoppel or law-of-the-case principles; that issue should be assessed by the Court of Appeal in the first instance on remand.

KEY QUOTATIONS

“Until Concha, our decisions allowed for conviction for provocative act murder whereby malice could be imputed to a nonprovocateur accomplice solely based on his or her participation in a crime.” (at 10)

“Because, under previous precedent, a jury could have imputed malice to a nonprovocateur defendant, the Court of Appeal was wrong to conclude that such a defendant would be categorically ineligible for section 1172.6 relief.” (at 16)

“As a general matter, we agree with the Attorney General that “the [section 1172.6] eligibility question will turn on an examination of both the governing law at the time of trial and the record of conviction, including the jury instructions.”” (at 17)

FACTUAL BACKGROUND

In January 1991, Antonelli and accomplices Frank Stoddard and Ron Brown planned and carried out a home-invasion robbery. Stoddard and Brown used guns, threatened and assaulted partygoers, and Stoddard committed provocative acts including threatening to kill a host. Antonelli left the residence before a struggle in which a partygoer gained control of Brown's gun and fatally shot Brown. Antonelli was subsequently convicted of Brown's first degree murder under the provocative act doctrine.

PROCEDURAL HISTORY

A jury convicted Antonelli in 1991 of first degree murder under the provocative act doctrine after an accomplice was killed by a robbery victim. Antonelli filed a first section 1172.6 petition in 2019; after an evidentiary hearing, the superior court denied relief, finding beyond a reasonable doubt that he was a major participant who acted with reckless indifference to human life, and the Court of Appeal affirmed. After Senate Bill No. 775 expanded section 1172.6 eligibility, Antonelli filed a second petition, which the superior court summarily denied; the Court of Appeal affirmed on the ground that provocative act murder categorically did not involve imputed malice. The Supreme Court granted review, reversed, and remanded to the Court of Appeal to address in the first instance whether the prior denial has preclusive effect.

DISPOSITION

reversed_and_remanded

REMAND INSTRUCTIONS

The cause is remanded to the Court of Appeal for further proceedings consistent with the opinion, including consideration in the first instance of whether collateral estoppel or law-of-the-case principles bar relitigation based on the denial of Antonelli's first section 1172.6 petition.

CASES CITED

- People v. Antonelli, 93 Cal. App. 5th 712 (2023)
- People v. Lee, 95 Cal. App. 5th 1164 (2023)
- People v. Concha, 47 Cal. 4th 653 (2009)
- People v. Lewis, 11 Cal. 5th 952 (2021)
- People v. Strong, 13 Cal. 5th 698 (2022)
- People v. Curiel, 15 Cal. 5th 433 (2023)
- People v. Washington, 62 Cal. 2d 777 (1965)
- People v. Gonzalez, 54 Cal. 4th 643 (2012)
- People v. Briscoe, 92 Cal. App. 4th 568 (2001)
- People v. Antick, 15 Cal. 3d 79 (1975)
- People v. Gilbert, 63 Cal. 2d 690 (1965)
- Taylor v. Superior Court, 3 Cal. 3d 578 (1970)
- People v. Caldwell, 36 Cal. 3d 210 (1984)
- Pizano v. Superior Court, 21 Cal. 3d 128 (1978)

- People v. Mai, 22 Cal. App. 4th 117 (1994)
- People v. Garcia, 69 Cal. App. 4th 1324 (1999)
- People v. McCoy, 25 Cal. 4th 1111 (2001)
- People v. Cervantes, 26 Cal. 4th 860 (2001)
- People v. Lima, 118 Cal. App. 4th 259 (2004)
- People v. Johnson, 221 Cal. App. 4th 623 (2013)
- People v. Lemcke, 11 Cal. 5th 644 (2021)
- People v. Antonelli and Stoddard, B059426 (Cal. Ct. App. Sept. 28, 1993) (unpublished)

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