

CALIFORNIA COURT OF APPEAL, SECOND APPELLATE DISTRICT,
DIVISION SEVEN

People v. Craig

Craig · No. B343556 · Decided January 15, 2026

SUMMARY

The California Court of Appeal held that an order denying a defendant’s request for recall and resentencing under Penal Code section 1172.1 was appealable because the superior court considered and denied the request on its merits. The court further held that the superior court abused its discretion by treating the defendant’s plea agreement as dispositive, because section 1172.1 permits resentencing regardless of whether the original sentence followed a trial or plea agreement. The order was reversed with directions.

CASE DETAILS

COURT	California Court of Appeal, Second Appellate District, Division Seven
WRITING FOR THE COURT	Segal, J.; Martinez, P. J.; Stone, J.
JURISDICTION	California Court of Appeal, Second Appellate District, Division Seven
DECIDED	January 15, 2026
DOCKET	B343556
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	Craig appealed the Los Angeles County Superior Court's order denying his petition for recall and resentencing under California Penal Code section 1172.1.
STANDARD OF REVIEW	The decision whether to recall a defendant's sentence is reviewed for abuse of discretion. A decision based on an error of law, an incorrect legal standard, or impermissible factors constitutes an abuse of discretion. Prejudice was assessed under the reasonable-probability standard of People v. Watson.
PRECEDENTIAL VALUE	Published and certified for publication
PARTIES	John Ross Craig v. The People

TOPICS

sentence modification

post-conviction relief

appellate procedure

statutory interpretation

standard of review

PRACTICE AREAS

California criminal sentencing

post-conviction resentencing

criminal appellate procedure

QUESTIONS PRESENTED

1. Whether an order denying a defendant's request for recall and resentencing under Penal Code section 1172.1 is appealable when the superior court considered the request on the merits after briefing and a hearing.
2. Whether the superior court abused its discretion by denying recall and resentencing because Craig had accepted a plea agreement and should be held to the agreed sentence.
3. Whether the superior court's error was prejudicial and required a new resentencing hearing.

HOLDINGS

1. An order denying a defendant's section 1172.1 request is appealable under Penal Code section 1237, subdivision (b), when the superior court effectively evaluates and denies the request on the merits, thereby affecting the defendant's substantial rights.
2. A plea agreement does not prevent a court from recalling and resentencing a defendant under section 1172.1. The court may resentence a defendant regardless of whether the original sentence followed a trial or plea agreement.
3. The superior court could exercise discretion in weighing postconviction factors, but it could not disregard those factors in favor of enforcing the plea bargain. Because it is reasonably probable Craig would have obtained a more favorable result under the correct legal standard, the error required reversal and a new resentencing hearing.

KEY QUOTATIONS

"Section 1172.1, however, authorizes the court to resentence defendants who were convicted by plea." (at 16)

"By denying Craig's petition because he agreed to his sentence as part of a plea bargain, the superior court applied an incorrect legal standard and abused its discretion." (at 16)

"But the court did not have discretion to disregard those factors in favor of enforcing a plea bargain in derogation of unambiguous statutory language." (at 17)

"Therefore, we conclude that the trial court's decision is appealable." (at 12)

FACTUAL BACKGROUND

In 2012 Craig and two confederates entered a clothing store, held seven employees at gunpoint, took wallets and phones, and negotiated with police for approximately two hours before surrendering. Craig later pleaded no contest to two robbery counts and admitted firearm-use and prior-serious-felony allegations, receiving a 23-year

sentence. In support of his section 1172.1 request, he presented evidence of his youth at the time of the offenses, rehabilitative programming, parole plans, employment prospects, and prison records, while the prosecution presented evidence of multiple prison rule violations.

PROCEDURAL HISTORY

Craig pleaded no contest to two counts of second degree robbery and admitted firearm and prior-serious-felony allegations. The superior court sentenced him to an aggregate term of 23 years. In 2024 Craig sought recall and resentencing under section 1172.1 based on statutory changes and presented evidence concerning his youth, rehabilitation, prison conduct, and parole plans. After briefing and a hearing, the superior court denied the petition, reasoning principally that Craig should be held to his plea bargain. The Court of Appeal held the order appealable, reversed, and directed a new resentencing hearing.

DISPOSITION

reversed_and_remanded

REMAND INSTRUCTIONS

The superior court is directed to conduct a new resentencing hearing in accordance with Penal Code section 1172.1, applying the correct legal standard and considering the statutory factors, including applicable postconviction factors and Craig's youth as a possible contributing factor.

CASES CITED

- People v. Hodge, 107 Cal.App.5th 985, 992, 996, 998
- Dix v. Superior Court, 53 Cal.3d 442, 455
- People v. Loper, 60 Cal.4th 1155, 1159, 1168
- People v. Olea, 115 Cal.App.5th 889, 895-902
- People v. Brinson, 112 Cal.App.5th 1040, 1045, 1047
- People v. Roy, 110 Cal.App.5th 991, 995, 998, 1001
- People v. Faustinos, 109 Cal.App.5th 687, 692-698
- Baker v. Superior Court, S286009, Supreme Ct. Mins., Oct. 2, 2024 (conc. stmt. of Evans, J., joined by five Justices), 2024 WL 4379679, at 1
- People v. Gallardo, 77 Cal.App.4th 971, 975, 984-985
- People v. E.M., 85 Cal.App.5th 1075, 1082
- People v. McCallum, 55 Cal.App.5th 202, 211
- People v. Patterson, 2 Cal.5th 885, 894
- People v. Scott, 9 Cal.4th 331, 356
- People v. Gonzalez, 103 Cal.App.5th 215, 225, 231
- People v. Panozo, 59 Cal.App.5th 825, 840
- People v. Arias, 52 Cal.App.5th 213, 221

- Doe v. Harris, 57 Cal.4th 64, 66
- People v. Knoller, 41 Cal.4th 139, 156
- People v. Carmony, 33 Cal.4th 367, 378
- People v. Avila, 57 Cal.App.5th 1134, 1141
- People v. Torres, 48 Cal.App.5th 550, 560
- People v. Watson, 46 Cal.2d 818, 836
- In re Shelton, 53 Cal.App.5th 650, 658 fn. 6
- In re Reed, 171 Cal.App.4th 1071, 1077

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