

CALIFORNIA COURT OF APPEAL, SECOND APPELLATE DISTRICT,
DIVISION ONE

People v. Player

People v. Player · No. B342239 · Decided April 7, 2026

SUMMARY

The California Court of Appeal affirmed the denial of Lavell Tyrone Player’s petition for resentencing under Penal Code section 1172.6. The court held that prior jury findings that firearm-use and robbery-special-circumstance allegations were not true did not collaterally estop the resentencing court from finding Player was the actual killer, relying on People v. Santamaria and People v. Hart. The court also concluded substantial evidence supported the actual-killer finding and therefore did not address the alternative major-participant and reckless-indifference theory.

CASE DETAILS

COURT	California Court of Appeal, Second Appellate District, Division One
WRITING FOR THE COURT	Bendix, J.; Rothschild, P. J.; Weingart, J.
JURISDICTION	California Court of Appeal, Second Appellate District, Division One
DECIDED	April 7, 2026
DOCKET	B342239
DISPOSITION	affirmed
PROCEDURAL POSTURE	Appeal from an order of the Los Angeles County Superior Court denying a petition for resentencing under Penal Code section 1172.6.
STANDARD OF REVIEW	The application of collateral estoppel is reviewed de novo. A denial of a section 1172.6 petition following an evidentiary hearing is reviewed for substantial evidence, viewing the entire record in the light most favorable to the judgment and deferring to the resentencing court's credibility determinations.
PRECEDENTIAL VALUE	Published and certified for publication; precedential under California law.
PARTIES	Lavell Tyrone Player v. The People of the State of California

TOPICS

- post-conviction relief
- sentencing
- standard of review
- appellate procedure
- criminal procedure

PRACTICE AREAS

criminal procedure

post-conviction relief

appellate procedure

sentencing

QUESTIONS PRESENTED

1. Whether the jury's not-true findings on the personal-firearm-use enhancement and robbery special circumstance collaterally estopped the section 1172.6 resentencing court from finding Player was the actual killer.
2. Whether substantial evidence supported the resentencing court's finding beyond a reasonable doubt that Player was the actual killer.
3. Whether substantial evidence supported the alternative finding that Player was a major participant in the robbery who acted with reckless indifference to human life.
4. Whether independent review, rather than substantial-evidence review, governed the resentencing court's factual findings because the court relied on a cold trial record.

HOLDINGS

1. The jury's not-true findings on the personal-firearm-use enhancement and the robbery special circumstance did not collaterally estop the resentencing court from finding that Player was the actual killer.
2. Substantial evidence supported the resentencing court's finding beyond a reasonable doubt that Player was the actual killer.
3. Substantial-evidence review, not independent review, applies to a resentencing court's factual determination whether the petitioner is guilty of murder beyond a reasonable doubt at a section 1172.6 evidentiary hearing.

KEY QUOTATIONS

"We agree with Hart that Santamaria applies to section 1172.6 proceedings." (24-25)

"Accordingly, under Santamaria and Hart, we hold the jury's not-true finding on the firearm enhancement did not preclude the resentencing court from finding defendant was the actual killer." (44)

"Because we conclude substantial evidence supports the finding defendant was the actual killer, and he therefore remains guilty of felony murder under current law (see § 189, subd. (e)(1)), we do not reach the question whether substantial evidence supported the finding that defendant was a major participant in the robbery and acted with reckless indifference to life." (49)

FACTUAL BACKGROUND

In December 1981, Player, his brother Marcus, and others planned and participated in an armed robbery at a Denny's parking lot. Witness Walter Fonteno testified that Player took the gun from Marcus, confronted the victim Toney Lewis, and shot Lewis when Lewis resisted the robbery. Other testimony indicated that Player later admitted or implied that he, rather than Marcus, had committed the killing. Although Carolyn Spence initially

identified Player as the gunman, she later identified Marcus and recanted her identification of Player; the resentencing court credited Fonteno's testimony and supporting statements attributed to Player.

PROCEDURAL HISTORY

Player was convicted in 1982 of murder, robbery, and attempted robbery and sentenced to 26 years to life, later reduced to 16 years to life on remand. After several prior appeals concerning his section 1172.6 resentencing petition, the Court of Appeal remanded for the resentencing court to consider whether Player was the actual killer or a major participant in the robbery who acted with reckless indifference to human life. After an evidentiary hearing based on the trial record, the resentencing court found beyond a reasonable doubt that Player was guilty under both alternative theories and denied relief. The Court of Appeal affirmed, holding that the jury's not-true findings did not preclude the actual-killer finding and that substantial evidence supported it.

DISPOSITION

affirmed

CASES CITED

- People v. Santamaria, 8 Cal.4th 903 (1994)
- People v. Hart, 113 Cal.App.5th 1099 (2025)
- People v. Strong, 13 Cal.5th 698 (2022)
- People v. Curiel, 15 Cal.5th 433 (2023)
- People v. Cooper, 77 Cal.App.5th 393 (2022)
- People v. Henley, 85 Cal.App.5th 1003 (2022)
- People v. Arnold, 93 Cal.App.5th 376 (2023)
- People v. Lopez-Barraza, 110 Cal.App.5th 1227 (2025)
- People v. Harrison, 73 Cal.App.5th 429 (2021)
- People v. Lee, 95 Cal.App.5th 1164 (2023)
- People v. Garcia, 82 Cal.App.5th 956 (2022)
- People v. Lewis, 11 Cal.5th 952 (2021)
- People v. Jimenez, 103 Cal.App.5th 994 (2024)
- People v. Hill, 100 Cal.App.5th 1055 (2024)
- People v. Vargas, 84 Cal.App.5th 943 (2022)
- People v. Grandberry, 116 Cal.App.5th 934 (2025)
- People v. Vivar, 11 Cal.5th 510 (2021)
- People v. Clements, 75 Cal.App.5th 276 (2022)
- People v. Alvarez, 18 Cal.5th 387 (2025)
- People v. Oliver, 90 Cal.App.5th 466 (2023)
- People v. Perez, 4 Cal.5th 1055 (2018)
- People v. Barnwell, 41 Cal.4th 1038 (2007)

- People v. Werntz, 90 Cal.App.5th 1093 (2023)
- People v. Beeman, 35 Cal.3d 547 (1984)
- Auto Equity Sales, Inc. v. Superior Court, 57 Cal.2d 450 (1962)
- Ashe v. Swenson, 397 U.S. 436 (1970)
- People v. Player, 2d Crim. No. 43957 (Cal. Ct. App. May 22, 1984) (unpublished)
- People v. Player, B303259 (Cal. Ct. App. June 25, 2021) (unpublished)
- People v. Player, B321656 (Cal. Ct. App. Dec. 28, 2023) (unpublished)

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