

SUPREME COURT OF CALIFORNIA

People v. Cooper

27 Cal. 4th 38, 115 Cal. Rptr. 2d 219, 37 P.3d 403 (Cal. 2002) · No. S092882 · Decided January 14, 2002

SUMMARY

The California Supreme Court held that Penal Code section 2933.1 limits presentence conduct credits to 15 percent for a defendant convicted of murder, including a defendant sentenced under the 1978 voter-approved version of Penal Code section 190. The court concluded that applying the limitation did not unlawfully amend the Briggs Initiative because the initiative's reference to Penal Code article 2.5 concerned postsentence prison conduct credits and did not specifically address presentence credits. The court reversed the Court of Appeal's ruling on the credits issue and remanded for further proceedings.

CASE DETAILS

COURT	Supreme Court of California
WRITING FOR THE COURT	Chin, J.; George, C.J.; Kennard, J.; Baxter, J.; Werdegarr, J.; Brown, J.; Moreno, J.
JURISDICTION	California
DECIDED	January 14, 2002
DOCKET	S092882
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	The Supreme Court of California granted review solely to determine whether Penal Code section 2933.1's 15 percent limitation on presentence conduct credits applied to a defendant convicted of murder and sentenced under the 1978 version of Penal Code section 190. The Court of Appeal had increased Cooper's presentence conduct credits from 50 to 168 days while otherwise affirming the conviction.
STANDARD OF REVIEW	De novo review of statutory interpretation and the legal question whether applying section 2933.1 constituted an invalid legislative modification of a voter-approved initiative.
PRECEDENTIAL VALUE	Published California Supreme Court opinion; precedential.
PARTIES	Bruce Edward Cooper v. The People

TOPICS

statutory interpretation

legislative intent

criminal procedure

appellate procedure

PRACTICE AREAS

criminal law

criminal procedure

appellate law

QUESTIONS PRESENTED

1. Whether Penal Code section 2933.1's 15 percent limitation on presentence conduct credits applies to a defendant convicted of murder and sentenced under the 1978 version of Penal Code section 190.
2. Whether applying section 2933.1 to Cooper's sentence constituted an invalid legislative amendment of the voter-approved Briggs Initiative.

HOLDINGS

1. Penal Code section 2933.1 applies to limit Cooper's presentence conduct credits to 15 percent of his actual presentence confinement.
2. Applying section 2933.1's presentence-credit limitation did not constitute an invalid legislative amendment of the Briggs Initiative.

KEY QUOTATIONS

“A statute enacted by voter initiative may be changed only with the approval of the electorate unless the initiative measure itself permits amendment or repeal without voter approval.” (at 225)

“Consequently, because former section 190 does not specifically authorize or prohibit presentence conduct credits, any limitation of such credits against defendant's sentence, otherwise authorized by section 4019, is not an invalid modification of the Briggs Initiative.” (at 227)

FACTUAL BACKGROUND

Cooper was charged with murdering his wife on May 22, 1998, and with personally using a knife during the offense. A jury convicted him of second degree murder and found the weapon-use allegation true. The trial court sentenced him to 15 years to life for murder plus a consecutive one-year determinate term, awarding 336 days of actual custody credit and 50 days of presentence conduct credit.

PROCEDURAL HISTORY

A jury convicted Cooper of second degree murder and found true a personal-use-of-a-knife allegation. The trial court imposed a sentence of 15 years to life plus a consecutive one-year term and awarded 336 days of actual custody credit and 50 days of presentence conduct credit under the 15 percent limitation in section 2933.1. The Court of Appeal concluded that the limitation was improper, modified the judgment to award 168 days of conduct credit, and otherwise affirmed. The Supreme Court reversed the Court of Appeal's judgment concerning credits and remanded.

DISPOSITION

REMAND INSTRUCTIONS

The Court of Appeal was directed to conduct further proceedings consistent with the opinion, including reinstating the section 2933.1 limitation on Cooper's presentence conduct credits.

CASES CITED

- People v. Bright, 12 Cal. 4th 652, 662-663 & fn. 7, 49 Cal. Rptr. 2d 732, 909 P.2d 1354 (1996)
- In re Jeanice D., 28 Cal. 3d 210, 219, 168 Cal. Rptr. 455, 617 P.2d 1087 (1980)
- In re Oluwa, 207 Cal. App. 3d 439, 255 Cal. Rptr. 35 (1989)
- People v. Austin, 30 Cal. 3d 155, 163, 178 Cal. Rptr. 312, 636 P.2d 1 (1981)
- People v. Buckhalter, 26 Cal. 4th 20, 30-32, 36, 108 Cal. Rptr. 2d 625, 25 P.3d 1103 (2001)
- People v. Aguirre, 56 Cal. App. 4th 1135, 1138-1141, 1139, 66 Cal. Rptr. 2d 77 (1997)
- People v. Camba, 50 Cal. App. 4th 857, 867, 57 Cal. Rptr. 2d 907 (1996)
- Palermo v. Stockton Theatres, Inc., 32 Cal. 2d 53, 58-59, 195 P.2d 1 (1948)
- Proposition 103 Enforcement Project v. Quackenbush, 64 Cal. App. 4th 1473, 1485, 76 Cal. Rptr. 2d 342 (1998)
- Franchise Tax Bd. v. Cory, 80 Cal. App. 3d 772, 776, 145 Cal. Rptr. 819 (1978)
- In re Cervera, 24 Cal. 4th 1073, 1077-1079, 103 Cal. Rptr. 2d 762, 16 P.3d 176 (2001)
- People v. Thomas, 21 Cal. 4th 1122, 1125-1126, 90 Cal. Rptr. 2d 642, 988 P.2d 563 (1999)
- People v. Goodloe, 37 Cal. App. 4th 485, 488-489, 495, 44 Cal. Rptr. 2d 15 (1995)
- People v. Jenkins, 10 Cal. 4th 234, 245 & fn. 7, 40 Cal. Rptr. 2d 903, 893 P.2d 1224 (1995)
- People v. Garcia, 21 Cal. 4th 1, 10, 87 Cal. Rptr. 2d 114, 980 P.2d 829 (1999)
- People v. Ruiz, 44 Cal. App. 4th 1653, 1659-1661, 52 Cal. Rptr. 2d 561 (1996)
- People v. Sage, 26 Cal. 3d 498, 504-509, 165 Cal. Rptr. 280, 611 P.2d 874 (1980)
- People v. Ramos, 50 Cal. App. 4th 810, 820, 58 Cal. Rptr. 2d 24 (1996)
- People v. DeVore, 218 Cal. App. 3d 1316, 1319, 267 Cal. Rptr. 698 (1990)
- People v. King, 3 Cal. App. 4th 882, 885, 4 Cal. Rptr. 2d 723 (1992)
- People v. Herrera, 88 Cal. App. 4th 1353, 1366-1367, 106 Cal. Rptr. 2d 793 (2001)