

SUPREME COURT OF CALIFORNIA

People v. Lee

31 Cal. 4th 613, 3 Cal. Rptr. 3d 402, 74 P.3d 176 (2003) · No. S094597 · Decided August 14, 2003

SUMMARY

The California Supreme Court interpreted Penal Code section 664(a) regarding life imprisonment for willful, deliberate, and premeditated attempted murder. The court held that the statute requires the attempted murder itself to have been willful, deliberate, and premeditated, but does not require an aider and abettor to have personally acted with those mental states, and affirmed the Court of Appeal's judgment.

CASE DETAILS

COURT	Supreme Court of California
WRITING FOR THE COURT	George, C.J.; Kennard, J.; Baxter, J.; Chin, J.; Brown, J.; Werdegar, J.; Moreno, J.
JURISDICTION	California
DECIDED	August 14, 2003
DOCKET	S094597
DISPOSITION	affirmed
PROCEDURAL POSTURE	Defendants petitioned the Supreme Court of California for review of a Court of Appeal decision affirming their convictions and sentences, as modified. The Supreme Court granted review on the interpretation of Penal Code section 664(a) and the prejudice standard for an asserted instructional error.
STANDARD OF REVIEW	De novo review of the interpretation of Penal Code section 664(a) and the legal sufficiency of jury instructions.
PRECEDENTIAL VALUE	Published California Supreme Court opinion; binding precedent in California.
PARTIES	Phia Lee, Johnson Xiong v. The People

TOPICS

- statutory interpretation
- legislative intent
- sentencing
- criminal procedure
- appellate procedure

PRACTICE AREAS

criminal law

criminal procedure

sentencing

statutory interpretation

appellate law

QUESTIONS PRESENTED

1. Whether Penal Code section 664(a) requires an attempted murderer who is guilty as an aider and abettor personally to have acted willfully, deliberately, and with premeditation before the life-imprisonment penalty may be imposed.
2. Whether the court needed to decide the applicable prejudice standard for a trial court's failure to instruct the jury on personal willfulness, deliberation, and premeditation.

HOLDINGS

1. Section 664(a) requires only that the attempted murder was willful, deliberate, and premeditated; it does not require the defendant, including an aider and abettor, personally to have acted willfully, deliberately, and with premeditation.
2. The court did not decide the applicable prejudice standard because, under the correct interpretation of section 664(a), the trial court did not err by failing to instruct the jury that an aider and abettor must personally act willfully, deliberately, and with premeditation.

KEY QUOTATIONS

“section 664(a) properly must be interpreted to require only that the murder attempted was willful, deliberate, and premeditated, but not to require that an attempted murderer personally acted with willfulness, deliberation, and premeditation, even if he or she is guilty as an aider and abettor.” (31 Cal. 4th at 621-622)

“We therefore conclude that the trial court did not err by failing to instruct the jury to determine personal willfulness, deliberation, and premeditation in the case of an aider and abettor.” (31 Cal. 4th at 628)

FACTUAL BACKGROUND

In 1995, rival Hmong gangs engaged in violent confrontations in Fresno. Lee and Xiong, teenage members or associates of one gang, were charged with two murders and seven attempted murders arising from shootings at two locations. The jury found them guilty of the murders and various attempted murders and found the attempted murders willful, deliberate, and premeditated for purposes of section 664(a).

PROCEDURAL HISTORY

A jury convicted Lee and Xiong of murder and attempted murder and found the attempted murders willful, deliberate, and premeditated under Penal Code section 664(a). The Court of Appeal modified Lee's conviction for the attempted murder of Linda V. to assault with a deadly weapon and otherwise affirmed, holding that section 664(a) required an aider and abettor personally to act willfully, deliberately, and with premeditation but that the instructional error was harmless. The California Supreme Court rejected that statutory interpretation and affirmed the Court of Appeal's judgment because the trial court did not err under the correct interpretation.

DISPOSITION

affirmed

CASES CITED

- People v. Bright, 12 Cal. 4th 652, 49 Cal. Rptr. 2d 732, 909 P.2d 1354 (1996)
- People v. Watson, 46 Cal. 2d 818, 299 P.2d 243 (1956)
- Chapman v. California, 386 U.S. 18, 87 S. Ct. 824, 17 L. Ed. 2d 705 (1967)
- People v. Laster, 52 Cal. App. 4th 1450, 61 Cal. Rptr. 2d 680 (1997)
- People v. Swain, 12 Cal. 4th 593, 604-05, 49 Cal. Rptr. 2d 390, 909 P.2d 994 (1996)
- People v. Villa, 156 Cal. App. 2d 128, 134, 318 P.2d 828 (1957)
- People v. Gonzales, 4 Cal. App. 3d 593, 600, 84 Cal. Rptr. 863 (1970)
- People v. McCoy, 25 Cal. 4th 1111, 1118, 108 Cal. Rptr. 2d 188, 24 P.3d 1210 (2001)
- People v. Prettyman, 14 Cal. 4th 248, 259-63, 58 Cal. Rptr. 2d 827, 926 P.2d 1013 (1996)
- People v. Beeman, 35 Cal. 3d 547, 560, 199 Cal. Rptr. 60, 674 P.2d 1318 (1984)
- People v. Croy, 41 Cal. 3d 1, 11-12, 221 Cal. Rptr. 592, 710 P.2d 392 (1985)
- People v. Anderson, 70 Cal. 2d 15, 26, 73 Cal. Rptr. 550, 447 P.2d 942 (1968)
- People v. Thomas, 25 Cal. 2d 880, 901, 156 P.2d 7 (1945)
- People v. Walker, 18 Cal. 3d 232, 133 Cal. Rptr. 520, 555 P.2d 306 (1976)
- People v. Cole, 31 Cal. 3d 568, 183 Cal. Rptr. 350, 645 P.2d 1182 (1982)
- People v. Piper, 42 Cal. 3d 471, 229 Cal. Rptr. 125, 722 P.2d 899 (1986)
- People v. Avery, 27 Cal. 4th 49, 58, 115 Cal. Rptr. 2d 403, 38 P.3d 1 (2002)
- People v. Jones, 46 Cal. 3d 585, 599, 250 Cal. Rptr. 635, 758 P.2d 1165 (1988)
- People v. Anderson, 43 Cal. 3d 1104, 1146, 240 Cal. Rptr. 585, 742 P.2d 1306 (1987)