

SUPREME COURT OF CALIFORNIA

People v. Mosby

33 Cal. 4th 353 (Cal. 2004) · Decided July 8, 2004

SUMMARY

The California Supreme Court held that a defendant’s admission of a prior conviction may be voluntary and intelligent under the totality of the circumstances even when the trial court advised the defendant only of the right to a trial and did not expressly advise him of the rights to remain silent and confront adverse witnesses. The court emphasized that the defendant had just participated in a jury trial, had exercised the right to remain silent and confronted witnesses through counsel, and had prior experience with a guilty plea. The judgment affirming the admission was affirmed.

CASE DETAILS

COURT	Supreme Court of California
WRITING FOR THE COURT	Kennard, J.; George, C. J.; Baxter, J.; Werdegarr, J.; Chin, J.; Brown, J.; Moreno, J.
JURISDICTION	California
DECIDED	July 8, 2004
DISPOSITION	affirmed
PROCEDURAL POSTURE	Defendant appealed his conviction and admission of a prior conviction. The California Court of Appeal rejected his challenge to the incomplete Boykin-Tahl advisements, and the California Supreme Court granted review and affirmed.
STANDARD OF REVIEW	The reviewing court examines the entire record and determines under the totality of the circumstances whether the defendant's admission of the prior conviction was voluntary and intelligent.
PRECEDENTIAL VALUE	published precedential opinion of the California Supreme Court
PARTIES	Clyde Mosby v. People

TOPICS

- criminal procedure
- right to counsel
- due process
- fourteenth amendment

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether a defendant's admission of an alleged prior conviction is voluntary and intelligent when the trial court advises him of and obtains a waiver of only the right to trial, but does not expressly advise him of or obtain express waivers of the rights to remain silent and to confront adverse witnesses.
2. Whether the validity of the admission must be determined by reviewing the entire record under the totality of the circumstances rather than by applying an automatic-reversal rule based solely on incomplete advisements.

HOLDINGS

1. An admission of a prior conviction may be voluntary and intelligent under the totality of the circumstances even when the defendant was advised of and waived only the right to trial and was not expressly advised of or asked to waive the rights to remain silent and to confront adverse witnesses.
2. The absence of express advisements and waivers of all three Boykin-Tahl rights does not require automatic reversal; the reviewing court must determine whether the record affirmatively shows that the admission was voluntary and intelligent under the totality of the circumstances.
3. The right to a jury determination of whether a defendant suffered a prior conviction is statutory rather than constitutionally guaranteed under the federal or California Constitution.

KEY QUOTATIONS

“The answer is “yes,” if the totality of circumstances surrounding the admission supports such a conclusion.” (353)

“the record affirmatively shows that [the admission] is voluntary and intelligent under the totality of the circumstances” (360-361)

“the absence of express admonitions and waivers requires reversal regardless of prejudice.” (361)

“Under the totality of the circumstances, the Court of Appeal did not err in concluding that defendant voluntarily and intelligently admitted his prior conviction despite being advised of and having waived only his right to jury trial.” (365)

FACTUAL BACKGROUND

Mosby was arrested for selling a \$20 piece of rock cocaine to an undercover police officer and was charged with selling cocaine, with an alleged prior felony drug conviction that would make him ineligible for probation. At trial, the prosecution presented testimony from the undercover buyer, the arresting detective, and a chemist; Mosby did not testify, while his codefendant did. Immediately after the jury found him guilty, Mosby waived a jury trial on the prior conviction allegation and admitted it, although the court had not expressly advised him of his rights to remain silent and to confront adverse witnesses. The prior conviction arose from an earlier guilty plea.

PROCEDURAL HISTORY

Mosby was convicted by a jury of selling cocaine. Immediately after the verdict, he waived a jury determination of an alleged prior felony conviction and admitted the prior after being advised only of his right to a jury trial and, later, his right to have the court determine the allegation. The Court of Appeal held the admission voluntary and intelligent despite the absence of express advisements concerning the rights to remain silent and to confront witnesses. The California Supreme Court affirmed.

DISPOSITION

affirmed

CASES CITED

- In re Yurko, 10 Cal. 3d 857, 863 (1974)
- People v. Howard, 1 Cal. 4th 1132, 1175-1179 (1992)
- North Carolina v. Alford, 400 U.S. 25, 31-32 (1970)
- Boykin v. Alabama, 395 U.S. 238, 239, 242-243 & n.5 (1969)
- In re Tahl, 1 Cal. 3d 122, 132 (1969)
- Apprendi v. New Jersey, 530 U.S. 466, 490 (2000)
- People v. Epps, 25 Cal. 4th 19, 23 (2001)
- People v. Sengpadychith, 26 Cal. 4th 316, 326 (2001)
- People v. Wright, 43 Cal. 3d 487, 493-495 (1987)
- In re Ibarra, 34 Cal. 3d 277, 283 n.1 (1983)
- In re Ronald E., 19 Cal. 3d 315, 320-321 (1977)
- People v. Allen, 21 Cal. 4th 424, 438 (1999)
- United States v. Vonn, 535 U.S. 55, 76 (2002)
- People v. Stills, 29 Cal. App. 4th 1766, 1769-1771 (1994)
- People v. Campbell, 76 Cal. App. 4th 305, 309-310 (1999)
- People v. Moore, 8 Cal. App. 4th 411 (1992)
- People v. Johnson, 15 Cal. App. 4th 169, 177-178 (1993)
- People v. Carroll, 47 Cal. App. 4th 892, 896-897 (1996)
- People v. Howard, 25 Cal. App. 4th 1660, 1664-1666 (1994)
- People v. Torres, 43 Cal. App. 4th 1073, 1082-1083 (1996)
- People v. Garcia, 45 Cal. App. 4th 1242, 1248-1249 (1996)
- People v. Van Buren, 93 Cal. App. 4th 875 (2001)
- People v. Monge, 16 Cal. 4th 826, 838 (1997)
- Parke v. Raley, 506 U.S. 20, 36-37 (1992)
- United States v. Dawson, 193 F.3d 1107, 1110-1111 (9th Cir. 1999)

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