

CALIFORNIA COURT OF APPEAL, SECOND APPELLATE DISTRICT,
DIVISION EIGHT

People v. Sarabia

Sarabia · No. B335646 · Decided September 4, 2025

SUMMARY

The California Court of Appeal affirmed Ricardo Sarabia’s convictions for murder, attempted murder, witness dissuasion, and felon-in-possession-of-a-firearm offenses. It rejected challenges involving the use of the term “moniker,” hearsay and discovery rulings, jury instructions, Marsden and Faretta motions, admission of a jail call, sufficiency of the evidence, and consecutive sentencing. The court remanded for correction of the abstract of judgment and calculation of custody credits.

CASE DETAILS

COURT	California Court of Appeal, Second Appellate District, Division Eight
WRITING FOR THE COURT	Wiley, J.; Stratton, P. J.; Rubin, J.
JURISDICTION	California Court of Appeal, Second Appellate District, Division Eight
DECIDED	September 4, 2025
DOCKET	B335646
DISPOSITION	remanded
PROCEDURAL POSTURE	Defendant appealed from a Los Angeles County Superior Court judgment entered after jury convictions for first degree murder, first degree attempted murders, dissuading a witness, and possession of a firearm by a felon.
STANDARD OF REVIEW	The denial of a mistrial and the admission of evidence were reviewed for trial-court error under the applicable abuse-of-discretion or evidentiary standards. The denial of Marsden and Faretta motions was reviewed for abuse of discretion. Sufficiency of the evidence was reviewed in the light most favorable to the judgment to determine whether substantial evidence supported findings beyond a reasonable doubt, without reweighing evidence or making credibility determinations. Sentencing claims were subject to forfeiture and the presumption that the trial court knew and followed the law.
PRECEDENTIAL VALUE	Published and certified for publication

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QUESTIONS PRESENTED

1. Whether the trial court erred by denying a mistrial after a prosecution witness referred to Sarabia's nickname as a moniker after gang evidence had been excluded.
2. Whether the trial court improperly admitted testimony from Ramon and Romero, including Ramon's preliminary-hearing testimony and Romero's prior inconsistent statements.
3. Whether the prosecution violated its discovery obligations by producing photographs from Sarabia's phone and Arizona residence.
4. Whether the trial court was required to instruct the jury on heat-of-passion voluntary manslaughter.
5. Whether the trial court properly denied Sarabia's midtrial Marsden motion to substitute counsel and Faretta motion for self-representation.
6. Whether the trial court properly admitted Sarabia's jail call to his sister.
7. Whether substantial evidence supported the first degree murder and attempted-murder convictions.
8. Whether substantial evidence supported the conviction for dissuading a witness.
9. Whether Sarabia forfeited and otherwise failed to establish error in the imposition of consecutive sentences.
10. Whether any trial errors were cumulatively prejudicial.

HOLDINGS

1. A single use of the word moniker, without evidence that the jury understood it as gang terminology, did not deny Sarabia a fair trial and did not require a mistrial.
2. Sarabia failed to demonstrate reversible error in admitting Ramon's preliminary-hearing testimony or impeaching Romero with prior inconsistent statements because he did not engage the trial court's reasoning or provide a reasoned challenge.
3. The trial court properly refused to exclude the photographs because the prosecution either produced the phone photographs early or promptly disclosed the residence photographs after learning of them.
4. The trial court was not required to give a heat-of-passion voluntary-manslaughter instruction because Sarabia presented insufficient evidence that an objective person would have been provoked to the requisite degree by the dispute over his property.
5. The trial court did not abuse its discretion by denying Sarabia's midtrial Marsden motion as untimely.

6. The trial court did not abuse its discretion by denying Sarabia's midtrial request for self-representation because the request was untimely and his waiver was not shown to be knowing.
7. The trial court properly admitted Sarabia's call to his sister because the request to send a message signed by Clover was highly probative of his nickname and only minimally prejudicial.
8. Substantial evidence supported the first degree murder and attempted-murder convictions because Sarabia's sequential, continued attacks provided sufficient evidence of deliberation and premeditation.
9. Substantial evidence supported Sarabia's conviction for dissuading a witness because the evidence supported the inference that he searched for and shot Romero to silence her as a witness.
10. Sarabia forfeited his claim that the trial court failed to explain its consecutive-sentence decision, and he did not overcome the presumption that the court knew and followed its discretionary authority under Penal Code section 669.

KEY QUOTATIONS

"One instance of the word "moniker" did not deny Sarabia a fair trial." (at 5)

"A trial court must give a lesser included instruction only where there is sufficient evidence that, if accepted by the trier of fact, would absolve a defendant of the greater offense but not the lesser." (at 6-7)

"We consider the record in the light favorable to the judgment and determine if there is reasonable evidence to support a finding beyond a reasonable doubt." (at 9)

"We affirm and remand for the trial court to correct the abstract of judgment." (at 12)

FACTUAL BACKGROUND

Sarabia, known by the nickname Clover, arrived armed at a converted garage where German and Ramon Servin were present. After disputes about Sarabia's phone, gun, and car keys, Sarabia shot Ramon through a bathroom door, shot German multiple times, and then shot Domenica Romero while she hid in a closet. German died, Ramon survived, and Romero was wounded; both surviving victims identified Sarabia as the shooter. Police later arrested Sarabia in Arizona and obtained photographs from his phone and residence, including images associated with the Clover nickname.

PROCEDURAL HISTORY

The jury convicted Sarabia of first degree murder of German Servin, first degree attempted murders of Ramon Servin and Domenica Romero, dissuading Romero from being a witness, and being a felon in possession of a firearm. The jury also found firearm-use enhancements, and the superior court sentenced Sarabia to 90 years to life. On appeal, Sarabia raised nine categories of alleged trial and sentencing error. The Court of Appeal affirmed the judgment but remanded for correction of the abstract of judgment and calculation of custody credits.

DISPOSITION

remanded

REMAND INSTRUCTIONS

The judgment is affirmed. The case is remanded for the trial court to correct the abstract of judgment to reflect a sentence of 90 years to life rather than 95 years and to calculate and enter Sarabia's custody credits.

CASES CITED

- People v. Williams (1997) 16 Cal.4th 153, 206
- People v. Whalen (2013) 56 Cal.4th 1, 68
- People v. Jones (2014) 223 Cal.App.4th 995, 1000-1001
- People v. McShane (2019) 36 Cal.App.5th 245, 256
- People v. Marsden (1970) 2 Cal.3d 118
- People v. Maciel (2013) 57 Cal.4th 482, 512
- Faretta v. California (1975) 422 U.S. 806
- People v. Buenrostro (2018) 6 Cal.5th 367, 425-426
- People v. Lynch (2010) 50 Cal.4th 693, 722
- People v. Miranda (2015) 236 Cal.App.4th 978, 984
- People v. Mendoza (2011) 52 Cal.4th 1056, 1068-1069
- People v. Potts (2019) 6 Cal.5th 1012, 1029
- People v. Stitely (2005) 35 Cal.4th 514, 544
- People v. Scott (1994) 9 Cal.4th 331, 352-353
- People v. Carmony (2004) 33 Cal.4th 367, 378

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