SUPREME COURT OF THE STATE OF CALIFORNIA

PEOPLE OF THE STATE OF CALIFORNIA, Plaintiff and Respondent, vs. CRISTIAN RENTERIA Defendant and Appellant.	S266854 F076973 VCF304654

APPEAL FROM THE SUPERIOR COURT OF TULARE COUNTY

THE HONORABLE JUDGE KATHRYN T. MONTEJANO, JUDGE PRESIDING

APPELLANT'S REPLY TO RESPONDENT'S SUPPLEMENTAL BRIEF

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CRISTIAN RENTERIA

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ARGUMENT

APPELLANT REQUESTS THIS COURT NOT TO TRANSFER THIS CASE TO THE COURT OF APPEAL UNTIL THIS COURT FIRST DECIDES WHETHER THE PROSECUTION PRESENTED SUFFICIENT EVIDENCE TO PROVE THE ENHANCEMENT AT MR. RENTERIA'S "LONE ACTOR" TRIAL

While respondent concedes that Assembly Bill No. 333 (AB 333) is retroactive, respondent suggests this Court transfer the matter back to the Court of Appeal to give that court the "first opportunity" to sort through various AB 333 issues, none of which respondent concedes applies to appellant. (RSB at 10-18.) However, nothing the Court of Appeal will do can affect the question upon which appellant sought and

this Court granted review, namely, the sufficiency of evidence of the gang enhancement, Penal Code section 186.22, subdivision (b), in lone actor cases.

Even after the implementation of AB 333 in trial courts across the state, lone actor cases will still pose critical questions of what the prosecution must show to prove the two prongs of the gang enhancement–-the "gang-related" prong and the "specific intent prong"-- as well the issue of whether the prosecution gang expert may opine on these prongs without basing his evidence on specific facts of the case. The lone actor case thus continues to pose "an important question of law" for the Court to resolve under California Rules of Court, rule 8.500(b)(1).

If this Court resolves the sufficiency of evidence issue in Mr. Renteria's favor by finding the evidence insufficient and dismissing the enhancement as argued by Mr. Renteria in his previous briefing, then no court needs to tackle the AB 333 issues in this case. If the Court resolves the sufficiency of evidence issue against Mr. Renteria, it can then send the case back to the Court of Appeal for determination regarding the AB 333 issues. (See People v. Cooper, S273134, review granted May 11, 2022.)

CONCLUSION

This Court should decide the sufficiency of evidence of the gang enhancement offered by the prosecution in Mr. Renteria's trial, and in so doing decide what evidence the prosecution needs to adduce in lone gang member cases to prove the

gang enhancement. If the AB 333 issues remain after the Court decides Mr. Renteria's case, then this Court should transfer the case back to the Court of Appeal for decision.

Respectfully Submitted,

_____/S/_____
James Bisnow
Attorney for Cristian Renteria

CERTIFICATE OF WORD COUNT

I hereby certify that this Reply to the Supplemental Brief contains 815 words.

May 19, 2022

___/s/_____
James Bisnow
Attorney for Appellant
Cristian Renteria

PROOF OF SERVICE BY MAIL

I am an attorney residing in Los Angeles, California, I am over the age of 18 years, and I am not a party to this action. My business address is 117 East Colorado Blvd., Suite 600, Pasadena, Ca. 91105.

On May 19, 2022, I served the foregoing document described as APPELLANT'S REPLY TO RESPONDENT'S SUPPLEMENTAL BRIEF on all interested parties in this action by placing a true copy thereof enclosed in a sealed envelope with postage thereon fully prepaid, in the United States mail at Los Angeles, California, addressed as follows:

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HONORABLE KATHRYN MONTEJANO
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TULARE COUNTY JUDICIAL DISTRICT, DEPARTMENT 10
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I declare under penalty of perjury that the foregoing is true and correct. Executed at Pasadena, California, May 19, 2022.

____/s/_____
JAMES BISNOW

STATE OF CALIFORNIA
Supreme Court of California

PROOF OF SERVICE

STATE OF CALIFORNIA
Supreme Court of California

Case Name: **PEOPLE v. RENTERIA**
Case Number: **S266854**
Lower Court Case Number: **F076973**

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5/19/2022

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