

# THE ANSWERS TO DOHI'S 186.22(B) SENTENCING POP QUIZZES

Alliance of California Judges

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## Pop Quiz

**D robs (2-3-5) a person on street.**

**Gang enhancement found true.**

**Maximum sentence?**

**2-3-5 for Count 1**

**+10 for 186.22(b)**

**= 15**

15% credit because robbery violent felony

### Pop Quiz

**D robs (2-3-5) two people on street within an hour. Gang enhancement found true on each count. Maximum sentence?**

$$\begin{aligned}
 &2-3-5 \text{ for Count 1} \\
 &+10 \text{ for 186.22(b)} \\
 &+ 1 \text{ [1/3 mid-term for Count 2]} \\
 &+ 3 \text{ 1/3 [1/3 of 10 for 186.22(b)]} \\
 &= 19 \text{ 1/3}
 \end{aligned}$$

*People v. Akins* (1997) 56 Cal.App.4th 331, 336  
15% credit because robbery violent felony

### Hip Hop Dope Pop Quiz

**D possesses heroin for sale (2-3-4) and gang enhancement found true. Maximum sentence?**

$$\begin{aligned}
 &4 + 4 \text{ (for 186.22(b))} \\
 &= 8
 \end{aligned}$$

**Serious felony b/c enhancement —  
50% credit**

### Hippity Hop Poppity Pop Quiz

Assault with force likely to produce great bodily injury (2-3-4) plus great bodily injury enhancement (3) plus gang enhancement.

Maximum sentence?

2-3-4 + 10 (for 186.22(b)) = 14

Cannot add 3 for GBI because enhancement used to make assault violent felony to impose 10 rather than 4.

*People v. Gonzalez* (2010) 180 Cal.App.4th 1420

### Pop Quiz

Attempted premeditated murder with 12022.53(b) and 186.22(b). Maximum sentence?

Life + 10 for gun  
MEPD = 15 on the life term

## Pop 'til you Drop Quiz

**Attempted premeditated murder  
with 186.22(b) and prior strike.  
Maximum sentence?**

**30 to life.**

*People v. Jefferson (1999) 21 Cal.4th 86, 100-102*



## Pop Quiz

**Attempted unpremeditated murder  
+ 12022.53(d) + 186.22(b).  
Maximum sentence?**

**5-7-9 + 25 to life + 10**

**No change to MEPD.**

*People v. Montes (2003) 31 Cal.4th 350*



## Pop 'til you Drop Quiz

Attempted unpremeditated murder  
with 186.22(b), 12022.53(d), and  
prior strike. Maximum sentence?

High term  $9 \times 2 + 10 + 25$  to life.

*People v. Sok* (2010) 181 Cal.App.4th 88



## Pop Quiz

Attempted premeditated murder  
with 12022.53(b) & (e) and  
186.22(b). Maximum sentence?

Life + 10

MEPD = 7 on the life term

*People v. Salas* (2000) 89 Cal.App.4th 1275;

PC 12022.53(e)



## Pop Quiz

**Robbery (2d) with 12022.53(b)&(e) +  
186.22(b) + 12022(a)(1). Max  
sentence?**

**2-3-5 + 10 for 12022.53(b)&(e) = 15  
Gang and principal armed enhancements  
must be stayed (or stricken under  
186.22(g) or maybe 1385).**

*People v. Sinclair (2008) 166 Cal.App.4th 848, 853-854*

## Pop Quiz

**Attempted vol (PC 664/192) +  
186.22(b) + GBI + 12022.5(a)?**

**$\frac{1}{2}$  of 3-6-11 + 10 + 3 + 10  
Can't stay GBI or gang  
enhancements, but can strike.**

*People v. Vega (2013) 214 Cal.App.4th 1387, 1395*