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CERTIFIED FOR PUBLICATION

IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION SIX

In re J.C., a Person Coming Under the Juvenile Court Law.	2d Juv. No. B345707 (Cons. w/ B345855) (Super. Ct. Nos. 2017002772 & 2013009594) (Ventura County)
THE PEOPLE, Plaintiff and Respondent, v. J.C., Defendant and Appellant.	

A grand jury indicted J.C. in 2013 for murdering two rival gang members in Oxnard. The indictment alleged the murders occurred in 2009, when appellant was 15 years old. Appellant's case moved between criminal court and juvenile court for over a decade as Proposition 57, Senate Bill No. 1391, then Assembly Bill No. 2361 altered the landscape of delinquency law.

The juvenile court granted the People's latest motion to transfer appellant's case to criminal court in March of 2025.

Appellant contends the juvenile court erred because Senate Bill 1391 eliminated the district attorney's authority to request transfer of defendants age 14 or 15 to criminal court, except where the minor is "not apprehended prior to the end of juvenile court jurisdiction." (Welf. & Inst. Code, § 707, subd. (a)(2).)[1] The People correctly concede the error. We will reverse the transfer order and remand the matter to the juvenile court for further proceedings.

FACTUAL AND PROCEDUAL BACKGROUND

Two members of Oxnard's Colonia gang were murdered in January of 2009. The district attorney identified appellant and other members of the rival Lemonwood gang as suspects after a lengthy investigation. A grand jury indicted appellant on two counts of murder (Pen. Code § 187, subd. (a)) and one count of attempted shooting at an inhabited dwelling (*id.*, § 664/246) in July of 2013. The alleged offenses occurred when appellant was 15 years old. He was 19 years old when indicted.

The criminal court twice remanded appellant to juvenile court. The first remand occurred in January of 2017 after voters approved the Public Safety and Rehabilitation Act of 2016 (Proposition 57). Proposition 57 eliminated prosecutors' ability to directly file charges against minors in criminal court. Prosecutors had to secure the juvenile court's authorization by way of a transfer hearing. (*B.M. v. Superior Court* (2019) 40 Cal.App.5th 742, 746.)

The juvenile court promptly transferred appellant back to criminal court. He repeatedly sought remand over the next five years. He argued his case belonged in juvenile court pursuant to

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[1] All further statutory references are to the Welfare & Institutions Code, unless otherwise noted.

section 707, subdivision (a)(2) because the crimes occurred when he was 15 and he was "apprehended prior to the end of juvenile court jurisdiction." The criminal court denied his latest remand request in December 2022, finding the juvenile court's jurisdiction ended when appellant turned 18—not 23 or 25, as he argued. We dismissed the appeal of this order after concluding it was not appealable under section 801. (*People v. J.C.* (Oct. 23, 2023, B325815) [nonpub. opn.].)

The second remand occurred in April of 2023 when the criminal court vacated the transfer order and remanded the case for a new transfer hearing under recently enacted Assembly Bill No. 2361.[2] On remand, appellant requested the juvenile court reconsider the criminal court's finding that juvenile court jurisdiction ended when appellant turned 18. It declined the request and scheduled the transfer hearing.

The parties reached an informal settlement shortly before the transfer hearing. Appellant agreed the juvenile court could base its transfer decision on two probation reports recommending transfer. Appellant also agreed: (1) to plead guilty to two counts of second degree murder in criminal court; (2) to serve two concurrent prison terms of 15 years to life; and (3) to waive his right to appeal any issue other than his transfer to criminal court. The prosecutor acknowledged the agreement would serve judicial economy because appellant had consistently made clear his intent to appeal the trial court's December 2022 ruling that jurisdiction under section 707, subdivision (a)(2) ended at age 18. The prosecutors stated the agreement resulted in "a number of benefits to both sides and to the Court."

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[2] Assembly Bill No. 2361 (2021-2022 Reg. Sess.) requires transfer decisions be supported by clear and convincing evidence. (Stats. 2022, ch. 330, § 1; see § 707, subd. (a)(3).)

The juvenile court found by clear and convincing evidence that appellant was not amenable to juvenile court jurisdiction. It transferred his case to criminal court. Appellant entered his plea in criminal court in April 2025. He appealed and received a certificate of probable cause.

DISCUSSION

Section 707 authorizes prosecutors to request transfer of certain minors from the juvenile court to criminal court. (§ 707, subd. (a)(1).) The Legislature restricted this authority when it amended section 707 in 2018. (Sen. Bill No. 1391 (2017-2018 Reg. Sess.) § 1.) The statute now provides, "In any case in which an individual is alleged to be a person described in Section 602 by reason of the violation, when the individual was 14 or 15 years of age, of any offense listed in subdivision (b), but was not apprehended prior to the end of juvenile court jurisdiction, the district attorney or other appropriate prosecuting officer may make a motion to transfer the individual from juvenile court to a court of criminal jurisdiction." (§ 707, subd. (a)(2).)

Juvenile court jurisdiction extends to "any minor who is between 12 years of age and 17 years of age" when the minor "violates any law of this state or of the United States . . . ." (§ 602, subd. (a).) "Such jurisdiction often ends when the ward attains age 21, but a higher age limit sometimes applies." (*In re Eddie M.* (2003) 31 Cal.4th 480, 486-487; § 607.) The court may "retain jurisdiction over a person who is 25 years of age or older for a period not to exceed two years from the date of disposition" if the person committed an offense listed in section 707, subdivision (b). (§ 607, subd. (d); see Stats. 2023, ch. 190, § 12.) This includes murder. (§ 707, subd. (b)(1).) Section 707 thus prohibits transferring 14 and 15-year-old offenders to criminal court unless the offender was apprehended after he or she

reached—at minimum—age 21. (*People v. Superior Court (Alexander C.)* (2019) 34 Cal.App.5th 994, 998.) Our Supreme Court affirmed the constitutionality of this statute in *O.G. v. Superior Court* (2021) 11 Cal.5th 82, 103.

The parties do not dispute appellant was 15 years old when he committed offenses listed in section 707, subdivision (b). He was 19 years old when indicted in July of 2013 and therefore still within the juvenile court's jurisdiction. The People correctly concede section 707, subdivision (a)(2) prohibited appellant's transfer to a court of criminal jurisdiction. The court erred when it granted the motion to transfer.[3]

DISPOSITION

The order dated March 25, 2025 granting the motion to transfer is reversed. The matter is remanded to the juvenile court for further proceedings.

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CODY, P. J.

I concur:

BALTODANO, J.

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[3] Appellant contends he was apprehended before age 18 because he was under juvenile court supervision for another offense. We need not consider this contention in light of the People's concession on the issue of transfer.

YEGAN, J., dissenting:

I must dissent. The disposition reached by the majority may work a miscarriage of justice. We are supposed to correct a miscarriage of justice, not help to create one. *In* an earlier non-published opinion, *People v. B. B.* (Jul. 19, 2022, B318429), I applied the non-transfer rule and reversed an order transferring a juvenile case to adult court. There is nothing wrong, in the typical case, where a minor is to be treated in juvenile court if he is 15 at the time of commission of the crime. The Legislature has the power and right to draw this line. But, of necessity, there comes a time where the result, i.e., the release of an offender, without treatment or punishment, gives one pause. This is such a case.

J.C. was 15 years old when he committed two premediated and deliberate murders on two separate occasions. These were gang-related homicides. Had he been timely apprehended, there would be no issue here, i.e., the juvenile court would be without power to transfer the offender to adult court. J.C. was not, however, timely apprehended. He was apprehended and indicted on the murder charges when he was 19 years old. Time marched on while the matters were litigated in juvenile and superior courts. Now, appellant is 31 years old and despite his admissions to having committed two murders, he is now to be treated as a juvenile. But time has marched on again. The time has run out for juvenile "treatment." A 31-year-old offender cannot be "treated" in the juvenile court. And so, according to the majority, appellant will be discharged from the juvenile court.

In my opinion, outright release from the juvenile court potentially puts the community at risk and is unacceptable. "'Salus populi suprema lex esto.' . . . 'The safety of the community is the highest law.'" (*People v. Pacheco* (2022) 75

Cal.App.5th 207, 209.) A person who commits two murders should not be able to escape "treatment" or punishment because of the passage of time before apprehension or extended/protracted pretrial proceedings. There should be no premium on a defendant who is able to avoid "judgment day" until a "statute of limitation" has run.

I recognize that appellant has been confined for many years, but this is far short of the two 15 year to life sentences for second degree murder that he agreed to serve. While the attorney general has conceded error, I would not accept this concession. (See, e.g., *People v. Garner* (2026) 121 Cal.App.5th 779, 782,790.) I would ask for further briefing on other issues concerning the propriety of the negotiated plea bargain in which appellant admitted guilt, agreed to the sentence to prison, but allowed an appeal with an "escape hatch" from accountability. I have a legitimate concern about the propriety of this negotiated disposition. We should ask for briefing from the Ventura District Attorney's office who bargained for this disposition.

Finally, if the Supreme Court does not intervene and appellant is to be returned to the juvenile court for discharge, it should consider the potential application of Welfare and Institutions Code section 1800, (*In re Gary W.* (1971) 5 Cal.3d 296), for an extended two-year commitment of confinement if the person is "dangerous." I express no opinion on this issue whether this is a viable option.

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YEGAN, J.

Gilbert A. Romero, Judge
R. Paul Kawai, Judge
Superior Court County of Ventura

Bess Stiffelman, under appointment by the Court of Appeal, for Defendant and Appellant.

Rob Bonta, Attorney General, Charles C. Ragland, Chief Assistant Attorney General, Susan Sullivan Pithey, Senior Assistant Attorney General, Scott A. Taryle, Supervising Deputy Attorney General, Daniel C. Chang, Deputy Attorney General, for Plaintiff and Respondent.