



THEFT AGGREGATION

California's Attorney General Concedes Theft Crimes Cannot Be Aggregated Under Prop. 47

Since Proposition 47 passed, several court cases have addressed whether multiple theft crimes can be aggregated to reach the \$950 for felony prosecution.

In two court cases post-Prop. 47, the Attorney General filed legal briefs and **conceded** that multiple theft crimes cannot be aggregated to reach a felony under Prop. 47. These legal briefs were recently **obtained from the California Attorney General's Office**.

The opinion offered to the courts by the California Attorney General in all of these cases dealt with the question of whether the dollar amount of separate counts of theft could be aggregated under Prop. 47. The opinion of the Attorney General in all briefs submitted is **unequivocally NO**.

People v. Chaney – Solano County Superior Court

Crimes: Receiving stolen property and second degree burglary; Defendant convicted of two felony counts of receiving stolen property and sentenced to prison.

Victims and Loss: The Gap, \$108.36; Casual Male XL, \$573.12; Aldo, \$295.24

Issue: After Prop. 47 passed, the Defendant sought to reduce her crimes to misdemeanors, claiming that the thefts could not be aggregated. The trial court denied the petition, finding that the aggregated thefts were over \$950. The Defendant appealed.

On appeal, the California Attorney General **agreed with the Defendant and conceded that separate theft crimes cannot be aggregated under Prop. 47**. Based upon this, the Attorney General requested that the denial of the petition **be reversed**.

Attorney General's Argument (Submitted to the Courts):

- Defendant (Appellant) was eligible for resentencing under Prop. 47 because *“the value of the stolen property charged in separate counts may not be aggregated...”*
- *“...the trial court erred when it denied her (Defendant) petition by aggregating the value of the stolen property in two burglary counts...”*
- *“(Proposition 47) does not authorize the trial court to aggregate separate counts for receiving stolen property to reach a total of \$950.”*

People v. Wallace – Riverside County Superior Court

Crimes: Receiving stolen property and fraudulent use of credit card. Defendant pled guilty to one count of felony receiving stolen property and agreed the court could consider the other charges for sentencing. Defendant was sentenced to 8 months in prison.

Victims and Loss: Private Individual, Wal-Mart and Chevron (each individual theft was under \$950)

Issue: After Prop. 47 passed, the Defendant sought to reduce his crimes to misdemeanors, claiming that the separate theft crimes could not be aggregated. The trial court denied the petition, finding that the aggregated thefts were over \$950.

The Attorney General **agreed with the convicted individual** and submitted a brief in this case to reflect that position.

“...respondent (AG) respectfully requests that this court remand the instant case to the trial court with instructions to determine whether the appellant (convicted person) poses an unreasonable risk of danger to public safety (Proposition 47 guidelines).”

Attorney General's Argument (Submitted to the Courts):

- *“Appellant (Convicted individual) argues the trial court erred by considering the aggregate losses from all his counts, including those that were dismissed....
Respondent (Attorney General) agrees”*
- *“The trial court was not permitted to aggregate the loss total from multiple counts to determine whether the \$950 threshold had been reached.”*

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Ad paid for by Keep California Safe, a Project of the California Public Safety Partnership Issues Committee
Committee major funding from
San Bernardino County Sheriff's Employees' Benefit Association
Funding details at www.fppc.ca.gov