TABLE OF CALIFORNIA PCR CASES

Case Citation	Description
TIMELINESS OF MOTION	
People v. Alatorre, 70 Cal. App. 5th 747 (2021) PC 1473.7	• There is a general presumption that motion is timely if petitioner is no longer in custody but it may be considered untimely if not brought "with reasonable diligence." • Court finds significant indicators of legislative intent toward leniency in filing. • When a petitioner's adverse immigration consequences predate Jan 1, 2017, timeliness of a motion depends on when petitioner would have had reason to seek legal assistance or PCR and evaluates diligence from that point. Further, the court held that presumptive knowledge of the law should not be imposed on petitioners when determining when they were capable of exercising reasonable diligence. • "We emphasize that a timeliness inquiry is always discretionary; as long as a petitioner is no longer in criminal custody, the trial court is never obligated to deny an immigration-related section 1473.7 for lack of timeliness" (FN 14).

People v. Perez, 67 Cal. App. 5th 1008 (2021)
 	
PC 1473.7
	• As a general rule motions submitted by petitioners no longer in custody are timely, but as an exception to that rule, if a trial court finds that a petitioner did not exercise reasonable diligence, the court *may* exercise its discretion to deem a motion untimely. In other words, "the lack of reasonable diligence does not automatically require the superior court to deem the motion untimely," but if the court elects to consider timeliness, it may do so in light of the totality of the circumstances.
	• The following principles apply in determining timeliness:
	  ○ When the petitioner is no longer in criminal custody and the triggering events in 1473.7(b)(1)(A)-(B) have not yet occurred, it is timely.
	  ○ If triggering events have occurred, court must determine whether they were filed with reasonable diligence after they occurred, per 1473.7(b)(2).
	  ▪ If it is deemed to have been filed with reasonable diligence, it is timely, court may not exercise discretionary exception to deem the motion untimely.
	  ▪ If it was not filed with reasonable diligence after the triggering events, the court exercises discretionary authority and must consider the totality of circumstances.

1016.5 ADVISEMENT AND TAHL FORM DO NOT PRECLUDE PCR	
People v. Vivar, 485 P.3d 425 (Cal. 2021) PC 1473.7	• "In light of Vivar's extensive ties to the United States, the generic advisements in the plea form do not undermine our conclusion that he was prejudiced by counsel's failure to inform him that his plea would result in his deportation."

People v. Villalba, 89 Ca. App. 5th 659 (2023) PC 1473.7	• Court found that D's uncontradicted evidence "established by a preponderance of the evidence that due to his counsel's misadvisement and inadequate research, coupled with the sentencing court's confusing and contradictory advisement that its warning of certain deportation might not apply to him, he misunderstood the dire immigration consequences that would follow from his plea."
In re Hernandez, 33 Cal.App.5th 530 (2019) Habeas Petition	• "The 'generic advisement' required of the court under Penal Code section 1016.5 …is not designed, nor does it operate, as a substitute for [the] advice of defense counsel regarding the applicable immigration consequences in a given case." (citing *People v. Patterson*). • Tahl form akin to generic advisement discussed in *People v. Patterson.*
People v. Patterson, 391 P.3d 1169 (Cal. 2017) PC 1018	• A defendant given a 1016.5 advisement "may be aware that some criminal convictions may have immigration consequences as a general matter, yet be unaware that a conviction for a specific charged offense will render the defendant subject to mandatory removal." • Does not place defendant on notice about the immigration consequences in their situation. • Legislative intent was not for 1016.5 advisal "to serve as a categorical bar to the withdrawal of a guilty plea on grounds of mistake or ignorance."
People v. Lopez, 66 Cal.App.5th 561 (2021) PC 1018	• Tahl form that says that the defendant 'will' be deported does not substitute for the advice of counsel, and it is not a categorical bar to relief. • "Even a trial court's warning that deportation 'will result' is not a categorical bar to relief." (citing *Camacho.*) • In addition, even though a *Tahl* form "contains the word 'will' and not 'may,' it, standing alone, is akin to the 'generic advertisement required of the court ... and it similarly 'is not designed, nor does it operate, as a substitute for such advice' of defense counsel regarding the applicable immigration consequences in a given case." (citing *In re Hernandez.*) • Even when there is a trial court warning provided, it does not substitute for a counsel's advice. (citing *Patterson*). "A proper advisement by the court does not foreclose the possibility of relief when counsel provides inaccurate or incomplete advice regarding immigration consequences."
People v. Curiel, 92 Cal.App.5th 1160 (2023) PC 1473.7	• Form stated defendant "will" be deported. • Defendants are/can be expected to rely on their counsel's advice regarding immigration consequences rather than generic statements in a *Tahl* form, even when it includes mandatory deportation language and was signed by the defendant. (citing *Manzanilla.*) • Furthermore, court advisal does not preclude her from demonstrating that she did not meaningfully understand the immigration consequences of her plea (citing *Manzanilla*).
People v. Manzanilla, 80 Cal.App.5th 891 (2022)	• The fact that the defendant initialed and signed the waiver "did not absolve defense counsel of the duty to advise of immigration consequences."

PC 1473.7	• "Even if counsel went over the *Tahl* form in detail and Manzanilla read every word in it, there is no evidence that defense counsel fulfilled her duty give him *specific* advice that he would be subject to mandatory deportation as a result of pleading no contest."
People v. Padron, 109 Cal.5th 950 (2025) PC 1473.7	• The failure to provide "accurate and complete advice about the specific consequences of the plea agreement" was an error that impeded "Padron's ability to understand and knowingly accept the consequences of his no-contest plea." • Even in cases where prosecution advises a defendant about possible immigration consequences, that also does not replace the requirement of "case-specific advice of counsel."
POSSIBILITY OF JURISDICTION EVEN IF DEFENDANT IS STILL IN CONSTRUCTIVE CUSTODY	
People v. Villalba (see above) PC 1473.7	• "The trial court here heard the motion and decided it on the merits without mention of the time requirement. Nor did the prosecutor object to the motion or raise any issue of timeliness. The People have not cited any authority indicating that section 1473.7, subdivision (a) limited the trial court's jurisdiction, and as defendant was still on probation, the trial court did not lack fundamental jurisdiction over the subject matter and the parties. (*People v. Chavez* (2018) 4 Cal.5th 771, 780 [231 Cal.Rptr.3d 634, 415 P.3d 707]; see § 1203.2.) When a trial court fails to act within the manner prescribed by [statute], it is said to have taken an ordinary act in excess of jurisdiction…Such 'ordinary' jurisdiction, unlike fundamental jurisdiction, can be conferred by the parties' decisions—such as a decision not to object to any perceived deficiency—and so is subject to defenses like estoppel, waiver, and consent." • Whether party should be estopped depends on weighing equities, effect of estoppel on functioning of the courts, and considerations of public policy. When Legislature amended 1473.7, it "explicitly stated its intended purpose was to make relief more broadly available to deserving defendants, given the critical interests at stake. As relevant here, it is the express public policy of this state and the United States to avoid the harmful impact of deportation of foreign-born residents and their families, particularly their United States citizen children, based upon incorrect or insufficient information." • In this case—lack of objection from the prosecutor and fact that expiration of D's probation was just five months away and judge could have dismissed w/out prejudice or continued the matter; irregularity did not substantially affect functioning of the courts; public policy supports going forward; prosecutor impliedly consented to hearing on the motion.
JURISDICTION IF DEFENDANT IS IN CUSTODY FOR A DIFFERENT OFFENSE	
People v. Rodriguez, 68 Cal. App. 5th 301 (2021)	• "Under the statute governing motions to vacate a conviction or sentence of a person no longer restrained or imprisoned, the person is not barred from moving to vacate a conviction at a time when he or she is in custody for another, unrelated conviction."

RIGHT TO APPOINTED COUNSEL	
People v. Fryhaat, 35 Cal.App.5th 969 (2019) PC 1473.7	• Court finds 1473.7 provides right to appointed counsel where an indigent moving party has set forth factual allegations stating a prima facie case for relief.
People v. Gutierrez, 113 Cal.App.5th 906 (2025) PC 1473.7	• Right to appointed counsel in 1473.7 proceedings attaches when an indigent defendant makes a prima facie showing that they are entitled to relief and the trial court then proceeds to an evidentiary hearing. • Defendant does not need to be in immigration custody and unable to attend PC 1473.7 hearing in order to be appointed counsel.
DEFENSE COUNSEL DUTIES	
People v. Soriano, 194 Cal. App. 3d 1470 (1987) IAC Claim	• Defense counsel must give case-specific advice.
People v. Bautista, 115 Cal. App. 4th 229 (2004) IAC Claim	• Defense counsel must defend against immigration consequences through plea bargaining. • Court found failure to pursue upward plea to mitigate immigration consequences may support claim of IAC.
DECLARATION OF PRIOR COUNSEL NOT REQUIRED	
People v. Espinoza, 522 P.3d 1074 (Cal. 2023) PC 1473.7	• "A party seeking relief under section 1473.7 is not required to provide the declaration of plea counsel…Nor is a defendant required to submit contemporaneous documentation from the time of the plea. Rather, the inquiry under section 1473.7 requires consideration of the 'totality of the circumstances,' which necessarily involves case-by-case examination of the record."
People v. Manzanilla (see above)	• A declaration from defense counsel is just one way to meet the evidentiary standard, and there is nothing in the statute which imposes that as a requirement to obtain relief.
People v. Padron (see above)	• "Padron's declaration and his public defender's case notes" were sufficient to establish Padron's inability to understand the mandatory immigration consequences of his conviction. • Even though the DA raised that Padron did not provide a declaration of his defense counsel in their opposition to his motion, they conceded that it was not required to seek relief under PC 1473.7.

DEFENDANT'S DECLARATION	
People v. Vivar (see above)	• A defendant's declaration is one form of evidence relevant to a prejudicial error inquiry. • Here, objective and contemporaneous facts corroborated Vivar's statement in his declaration that he "would never have pleaded guilty" if his attorney had informed him of the plea's consequences.
People v. Espinoza 14 Cal.5th 311 (2023)	• Objective evidence and corroboration of misunderstanding can come from a defendant's declaration or declarations from family members, friends, colleagues, community members, or other acquaintances.
ERROR: FOCUS ON DEFENDANT'S OWN ERROR IN FAILING TO MEANINGFULLY UNDERSTAND IMM CONSEQUENCES	
People v. Carrillo, 101 Cal. App. 5th 1 (2024)	• "The focus of the inquiry into whether the defendant meaningfully understood the potential adverse immigration consequences at issue is on the defendant's own error; in other words, the key is the mindset of the defendant and not what an objectively reasonable person would have understood under the circumstances." • However, those assertions are "not accepted at face value by courts" and "must be corroborated with objective evidence." In Carrillo's case, the additional objective evidence provided was a declaration from the counsel who represented him at trial, his age at trial, the complexity of federal immigration law, the absence of a 1016.5 advisal, and his lack of a criminal record.
People v. Padron (see above)	• Error affecting ability to meaningfully understand: The focus of this showing is the "defendant's own error in … not knowing that his plea would subject him to mandatory deportation and permanent exclusion from the United States.'" • *See also People v. Mejia*, 36 Cal.App.5th 859, 871 (2019); *People v. Alatorre*, 70 Cal.App.5th 747, 768-769 (2021) ("a petitioner's own subjective error qualifies for relief"). • Padron's declaration and counsel's case notes provided evidence "of his subjective misunderstanding of the immigration consequences due to a mental health crisis at the time of his plea." This evidence supported that Padron was not able to understand the immigration consequences of his plea.
People v. Manzanilla (see above)	• Objective evidence showed D didn't meaningfully understand consequences; for example: D's counsel said his status would change and he would have an immigration hearing; D responded that if the hearing was in the United States then it was "fine"; sentencing transcript showed that when the court stated he would get deported, then he wanted to withdraw his plea; swiftness with which D brought concern about deportation to the trial court after plea supports that he did not meaningfully understand (D sent letter to trial court shortly after plea and before sentencing). • *See also People v. Camacho*, 32 Cal.App.5th 998 (2019).

ERROR: FINDING OF IAC NOT REQUIRED	
People v. Padron (see above)	• "To establish error, a petitioner is not required to prove he received ineffective assistance from his counsel."
People v. Ruiz, 49 Cal. App. 5th 1061 (2020) PC 1473.7	• "The trial court may set aside a conviction based on counsel's immigration advisement errors without a "finding of ineffective assistance of counsel." • "A defendant need only show that there were "one or more" errors that "were prejudicial and damaged [a defendant's] 'ability to meaningfully understand, defend against, or knowingly accept the actual or potential adverse immigration consequences of [his or her] plea.'" (citing *Camacho*)
People v. Camacho, 32 Cal. App. 5th (2019) PC 1473.7	• "The Legislature has clarified that the moving party need not establish ineffective assistance of counsel. (§ 1473.7 subd. (a)(1).) It follows therefore, that even if the motion is based upon errors by counsel, the moving party need not also establish a Sixth Amendment violation as by demonstrating that "counsel's representation 'fell below an objective standard of reasonableness'...'under prevailing professional norms,' " as stated in *Padilla*, supra, 559 U.S. at pages 366, 368-369, 130 S.Ct. 1473, quoting *Strickland*, supra, 466 U.S. at pages 688, 694, 104 S.Ct. 2052." • This follows 2019 amendments to 1473.7.
ERROR: DEFENSE COUNSEL FAILURE TO GIVE COMPLETE ADVICE	
People v. Padron (see above)	• D's counsel "advised only of unspecified 'potential immigration consequences.'" • Counsel's failure to give accurate and complete advice about specific consequences of the plea agreement was error impeding D's ability to understand and knowingly accept consequences of the plea. (citing *Curiel*, *Vivar*, and *Manzanilla*.)
ERROR: D'S MENTAL HEALTH	
People v. Padron (see above)	• D's evidence of his subjective misunderstanding of immigration consequences of conviction due to a mental health crisis at the time of his no contest plea supported vacatur.
ERROR: D'S POST-CONVICTION CONDUCT	
People v. Alatorre (see above)	• "There can be little doubt in this case that Alatorre never appreciated his plea and subsequent conviction made him *automatically* deportable. Indeed it was [his] misguided efforts to become a naturalized citizen within three years of his conviction that brought him to the attention of immigration authorities and triggered his own deportation." • "It goes without saying that someone who understood his criminal conviction made him automatically deportable would not voluntarily contact immigration authorities and advise them of his presence in

	the country. This alone demonstrates it is more likely than not that [he] failed to 'meaningfully understand' the consequences of his plea."
People v. Espinoza (see above)	• Taking an "international commercial flight to the United States, which predictably required subjecting himself to the scrutiny of United States immigration officials, [] is not consistent with the behavior of a person who understood that his convictions effectively ended his lawful resident status."
MUST SHOW PREJUDICE	
People v. Coca, 96 Cal. App. 5th 451 (2023)	• An individual has the burden of proving by a preponderance of the evidence that the conviction they seek to vacate has caused or has the potential to cause "removal or the denial of an application for an immigration benefit, lawful status, or naturalization." In this case, D, an LPR, vacated a misdo PC 496(a) and the DA appealed. Appellate court found that D did not carry her burden because the misdo 496(a) was not an AF and not categorically a CIMT.
People v. Curiel (see above)	• Potential future immigration consequences are sufficient: "Even though Curiel had no contact with immigration authorities when she sought relief under section 1473.7, each of the offenses to which she pleaded no contest left her subject to potential adverse immigration consequences in the future."
PREJUDICE INQUIRY	
People v. Espinoza (see above)	• D's declaration is one form of objective evidence relevant to prejudicial error inquiry (citing *Vivar*) • In establishing prejudicial error, the court focused on the defendant's ties to the United States, for example that he started a business, he traveled after the conviction, and he bought a home.
People v. Vivar (see above)	• Showing prejudicial error under PC 1473.7(a)(1) means demonstrating "a reasonable probability that the defendant would have rejected the plea if the defendant had correctly understood its actual or potential immigration consequences. When courts assess whether a petitioner has shown that reasonable probability, they consider the totality of the circumstances." • Factors that are particularly relevant include "the defendant's ties to the United States, the importance the defendant placed on avoiding deportation, the defendant's priorities in seeking a plea bargain, and whether the defendant had reason to believe an immigration-neutral negotiated disposition was possible."
PREJUDICE: EVIDENCE OF TIES TO THE UNITED STATES	
People v. Vivar (see above)	• The defendant needs to establish a "reasonable probability" that they would have rejected their guilty plea if they actually understood its immigration consequences. Courts consider the "totality of circumstances" including factors like "the defendant's ties to the United States, the importance the defendant placed on avoiding deportation, the defendant's priorities in seeking a plea bargain, and

	whether the defendant had reason to believe an immigration-neutral negotiated disposition was possible."
People v. Espinoza (see above)	• "Ties to the United States are an important factor in evaluating prejudicial error under section 1473.7 because they shed light on a defendant's immigration priorities. '[W]hen long-standing noncitizen residents of this country are accused of committing a crime, the most devastating consequence may not be a prison sentence, but their removal and exclusion from the United States.' Depending on the strength of a defendant's community ties, 'the prospect of deportation' may be 'an integral part' or 'the most important part' of the defendant's 'calculus in responding to certain criminal charges.' Community ties may be established by length of residence; immigration status; lack of connection to the country of origin; connections to family, friends, or the community; work history or financial ties; or other forms of attachment." (citing *Vivar*). • Note: Court notes lack of ties in *People v. Bravo*, 69 Cal.App.5th 1063 (2021) and *People v. Abdelsalam*, 73 Cal.App.5th 654 (2022).
People v. Villalba (see above)	• "Here, too, defendant's ties to the United States…provide convincing corroboration of the defendant's claim that if he has correctly understood the consequences of his plea, he would have risked trial and additional jail or prison time in order to avoid deportation, and was still willing to take additional time of incarceration to avoid deportation."
People v. Alatorre (see above)	• "[Defendant's] deep ties to the United States provide 'contemporaneous evidence' that avoiding deportation would have been a paramount concern if he had truly understood his situation" (citing *Lee v. U.S.*).
People v. Curiel, 92 Cal.App.5th 1160 (2023) (see above)	• Appeals court found significant ties to the United States for a defendant without legal status.
PREJUDICE: CONTEMPORANEOUS CONFUSION NOT REQUIRED	
People v. Espinoza (see above)	• "But unlike Vivar, who was aware of the immigration consequences of his plea 'at or near the time of his plea,' Espinoza has declared that he did not discover those consequences until more than a decade after his plea. The Court of Appeal also questioned Espinoza's credibility because he did not submit evidence from his plea counsel, as Vivar did. But by the time Espinoza filed the motion at issue in this appeal, it had been 15 years since the plea. Both the district attorney and Espinoza's counsel represented to the court that they tried, without success, to contact the attorney who represented Espinoza at the time his plea was entered. As the Attorney General observes, 'the robust evidence introduced in *Vivar* will not be available in most cases—especially where defendants do not learn about the immigration consequences of their pleas until years or decades later.'" (cleaned up).

PREJUDICE: OTHER EVIDENCE	
People v. Villalba (see above)	• Ties to the United States corroborated claim that D would have rejected plea if he understood consequences • Additional factors the court found convincing were minimal contact with criminal justice system, legal residence, support from family, friends, and employer which all corroborate claim that ability to remain in the United States with family was a paramount concern.
People v. Lopez, 83 Cal.App.5th 698 (2022)	• Age of the individual at the time of the plea and experience with the criminal system are relevant factors (noting his young age of 22, inexperience, and lack of prior contact with the criminal system).
People v. Padron (see above)	• "Padron's history of residence, his asylum status, his lack of connection to his country of origin, his progress toward his goal of legal status for his family, and his connections with his church community, support groups, and coworkers support that 'his community ties were important to him at the time of his plea.'"
People v. Benitez-Torres, 112 Cal.App.5th 1252 (2025)	• "[Prior defense counsel] only appeared on Benitez's case four times. [He] did not participate in a preliminary hearing (in fact, he left it to another attorney to explain to Benitez that he needed to waive his statutory right to a preliminary hearing). [Prior defense counsel] never filed a motion to suppress evidence and based on the lack of documents in Benitez's subpoenaed case file, it appears prior defense counsel never conducted any kind of meaningful investigation of the facts." • "Another contemporaneous substantiation of Benitez's declaration is that unlike most guilty pleas, this was a direct plea to the trial court rather than a negotiated disposition. That is, it appears there was no meaningful negotiations with the prosecution."
PREJUDICE: ALTERNATIVE, IMMIGRATION SAFE DISPOSITIONS	
People v. Espinoza (see above)	• "Another consideration is whether alternative, immigration-safe dispositions were available at the time of the defendant's plea. Factors relevant to this inquiry include the defendant's criminal record, the strength of the prosecution's case, the seriousness of the charges or whether the crimes involved sophistication, the district attorney's charging policies with respect to immigration consequences, and the existence of comparable offenses without immigration consequences." • "Espinoza had no prior criminal history at the time of his plea. This fact is relevant because a defendant without an extensive criminal record may persuasively contend that the prosecutor might have been willing to offer an alternative plea without immigration consequences." • "Espinoza presented evidence from an immigration attorney that there were alternatives the prosecution could have offered that would not have resulted in mandatory deportation."

	• *See also Rodriguez*, 68 Cal.App.5th at p. 325; *Mejia*, 36 Cal.App.5th at 873; *Martinez*, 57 Cal.4th at p. 564.
PREJUDICE: FEAR OF RETURN TO COUNTRY OF ORIGIN	
People v. Padron (see above)	• Padron was able to establish prejudice by demonstrating he would have rejected the plea deal if he had known of its impact on his asylum status. He demonstrated that he "highly prioritized avoiding deportation to his home country," where he was persecuted by the government. Asylum grant by immigration court corroborated his claim that he would have highly prioritized avoiding deportation.
People v. Manzanilla (see above)	• Court includes this in factor relating to ties to the United States; Manzanilla had no remaining ties to his country of origin, was assaulted the last time he visited due to his sexual orientation, and never returned.
RELIEF EVEN IF CLIENT DID NOT HAVE A HIGHLY LIKELIHOOD OF SUCCESS AT TRIAL OR HOPE FOR A BETTER PLEA	
People v. Vivar (see above)	• Focus on "what the defendant *would have done*, not whether the defendant's decision would have led to a more favorable result … When a court weighs whether a defendant would have taken the latter path, it need not decide whether the prosecution would actually have offered a different bargain—rather, the court should consider evidence that would have caused *the defendant* to expect or hope a different bargain would or could have been negotiated."
Lee v. U.S., 582 U.S. 357 (2017) Federal IAC Claim	• To determine whether a client is prejudiced demands a "case-by-case examination" of the "totality of circumstances." • From *Hill v. Lockhart*, the focus is on a defendant's decision-making rather than solely relying on the likelihood of conviction after trial. • Even where a defendant is highly likely to lose at trial, defendants have "more to consider than simply the likelihood of success at trial," including "the respective consequences of a conviction after trial and by plea." Where a defendant "would have rejected any plea leading to deportation" and thrown a "Hail Mary" at trial, they are able to show prejudice.
PCR FOLLOWING JURY TRIAL	
People v. Avena, 2026 WL 835270 (2026)	• The defendant must show three things: "First, he must show that he did not meaningfully understand the immigration consequences of his conviction. Second, he must show a reasonable probability that he would not have proceeded to a jury trial had he understood the immigration consequences. Third, he must show a reasonable probability that such a path would have resulted in an immigration-neutral outcome." • *See also People v. Carrillo*, 101 Cal.App.5th 1 (2024); *People v. Singh*, 81 Cal.App.5th 147 (2022).

DO NOT NEED TO SHOW DA WOULD HAVE OFFERED IMMIGRATION SAFE PLEA	
People v. Vivar (see above)	• When court weighs whether D would have rejected plea in hope or expectation of negotiating a different plea, it does not need to decide "whether the prosecution would actually 'have offered a different bargain'—rather the court should consider 'evidence that would have caused *the defendant* to expect or hope a different bargain would or could have been negotiated'" (citing *Martinez*).
People v. Manzanilla (see above)	• "The People counter that Manzanilla has not presented any 'affirmative evidence' that the prosecution would have accepted an immigration-safe plea. This is not required to establish legal error; it goes to prejudice. Regardless, evidence that the prosecution would have accepted a 364-day plea is not required even for prejudice." • In Manzanilla's case, it's reasonable to believe that the prosecution would have agreed to an immigration-safe sentence of 364 days because they initially offered a 365-day sentence.
People v. Padron (see above)	• Prejudice can be established even when DA asserts that they would not have offered a plea without immigration consequences. Whether D "could have secured a more favorable plea deal or prevailed at trial does not conclusively determine whether he established prejudice." • Defendants also factor "the respective consequences of conviction after trial and by plea" when making a decision of whether to accept a plea deal or go to trial. Thus, "relief should be granted if the court … determines the defendant would have chosen not to plead guilty or nolo contendere" even if they were not likely to obtain "a more favorable outcome." (citing *Martinez*, *Espinoza*, *Vivar*, *Camacho.*)
COLLATERAL ESTOPPEL	
People v. Carrillo (see above)	• Dismissed w/o prejudice to bring new motion not barred by collateral estoppel (new motion would not involve relitigation of issue actually litigated and decided when first motion was denied). • *People v. Cruz-Lopez*, 27 Cal.App.5th (2018) abrogated by 2021 amendments.
People v. DeMontoya, 85 Cal.App.5th 1159 (2022)	• Second motion collaterally estopped by prior 1473.7 motion.
People v. Jung, 59 Cal.App.5th 842 (2020)	• D was not collaterally estopped from litigating issue of prejudicial error in 1473.7 following denial of habeas petitions. • "The issues whether Jung meaningfully understood or knowingly accepted the adverse immigration consequences of pleading guilty, and whether she suffered prejudice, were not actually or necessarily determined in the prior habeas corpus proceedings. Thus, the order denying Jung's habeas corpus petitions did not conclusively resolve those issues."

People v. Ruiz, 49 Cal.App.5th 1061 (2020)	• "The new 2019 law provides a different standard for challenging and prevailing based on immigration advisement errors. Because it involves different issues than Ruiz's prior motion, Ruiz's current motion is not barred by collateral estoppel."

* Maddie Boyd of the Immigrant Legal Resource Center created this case table. For questions, contact mboyd@ilrc.org. Many thanks to Nimsi Garcia Sandoval and Onyx Starrett.