Filed 4/1/25 In re Woods CA2/1
Opinion following transfer from Supreme Court

NOT TO BE PUBLISHED IN THE OFFICIAL REPORTS

IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION ONE

In re ANDRE LAMONT WOODS, On Habeas Corpus.	B301891 (Los Angeles County Super. Ct. No. NA037804)

ORIGINAL PROCEEDING; petition for writ of habeas corpus, Judith L. Meyer, Judge. Petition denied.

Jennifer Peabody, under appointment by the Court of Appeal, for Defendant and Appellant.

Rob Bonta and Xavier Becerra, Attorneys General, Lance E. Winters and Philip J. Lindsay, Assistant Attorneys General, Sara J. Romano, Amanda J. Murray, Julie A. Malone and Jennifer O. Cano, Deputy Attorneys General, for Plaintiff and Respondent.

In 1999, a trial court sentenced Andre Woods to a term of 25 years to life under the "One Strike" law (Pen. Code, § 667.61)[1] plus a term of 57 years 4 months. Woods was 19 years old when he committed his crimes. On October 31, 2019, he filed a habeas corpus petition in this court in which he asserted that his sentence violates the Eighth Amendment proscription against cruel and unusual punishment. After we denied the petition, the Supreme Court granted Woods's petition for review and transferred the matter to us with directions to issue an order to show cause (OSC) why Woods should not be entitled to relief on the grounds that the failure to provide him with a youth offender parole hearing violates his federal constitutional rights to equal protection of the laws and his right to be free from cruel and unusual punishment.

We vacated our prior order, issued an OSC, and appointed counsel for Woods. The People filed a return to the OSC, and Woods filed a reply.

In April 2021, we filed our opinion in *In re Woods* (April 2, 2021, B301891) [nonpub. opn.] (*Woods*), review granted June 16, 2021, cause transferred and opinion ordered not citable Jan. 22, 2025, S268740. A majority of this court agreed with Woods that section 3051, subdivision (h), which excludes One Strike offenders from the procedures for youth offender parole hearings, violates his right to equal protection of the laws, and that he was therefore entitled to a youth offender parole hearing during his 25th year of incarceration.[2] The majority further concluded that, in light of

---

[1] Unless otherwise specified, subsequent statutory references are to the Penal Code.

[2] Justice Bendix, in dissent, concluded that "the exclusion of One Strike sex offenders from earlier parole consideration under section 3051 does not deprive Woods of equal protection of the law." (*Woods*, *supra*, B301891 (dis. opn. of Bendix, J.).)

our equal protection conclusion, Woods's additional argument that his sentence violates the Eighth Amendment's proscription against cruel and unusual punishment was moot.

The Supreme Court granted review of *Woods* and, in January 2025, transferred the cause to this court with directions to vacate our decision and reconsider the cause in light of *People v. Williams* (2024) 17 Cal.5th 99 (*Williams*), and ordered our opinion in *Woods* "either 'depublished' or 'not citable.' " We vacated our decision and provided counsel with the opportunity to submit supplemental briefs and present oral argument. We have reconsidered the cause in light of *Williams* and, based on *Williams*, reject Woods's equal protection argument. We also reject his Eighth Amendment argument. We therefore deny the petition.

FACTUAL SUMMARY AND PROCEDURAL HISTORY

On the night of August 14, 1998, Woods was a passenger in a public transit bus driven by S.H. It appeared to S.H. that Woods was under the influence of alcohol. After all other passengers had left the bus, Woods told S.H. to pull the bus over and "shut it down." He said he had a knife and would kill her. S.H. pulled the bus to the side of the street and turned off the engine, causing the bus's lights to turn off. Woods directed S.H. to the back of the bus where he raped her, forced her to orally copulate him several times, robbed her of jewelry and money, raped her again, bit her breasts, and orally copulated her. When S.H. cried, Woods slapped her head. When S.H. asked if she could get dressed, Woods threw her underwear out a window. Woods made S.H. go to the front of the bus where he directed her to tell him how to start the bus. As he sat in the driver's seat with S.H. standing next to him, he put his fingers in her vagina, then forced his fingers into S.H.'s mouth. He threatened to kill S.H. if she reported the incident to the police. Woods began driving the bus

and promptly crashed it into a building. The crash shattered glass on the bus, which cut S.H.'s back. S.H. escaped through a rear door on the bus.

Woods admitted to a police detective that he forced S.H. to engage in multiple sex acts with him and robbed her. At the detective's suggestion, Woods wrote a note in which he apologized to S.H. for "forc[ing] [her] to have sexual intercourse with [him]."

At trial, Woods's defense was that the distance he forced S.H. to move did not satisfy the asportation requirements for kidnapping or the One Strike law. (§ 667.61, subd. (d)(2).)[3]

A jury convicted Woods of one count of kidnapping to commit rape (count 1; § 209, subd. (b)(1)), two counts of forcible rape (counts 2 & 8; § 261, subd. (a)(2)), five counts of forcible oral copulation (counts 3, 4, 6, 7 & 9; former § 288a, subd. (c)),[4] and one count each of forcible sexual penetration with a foreign object (count 10; former § 289, subd. (a)), first degree robbery (count 5; § 211), making terrorist threats (count 11; former § 422), and unlawful taking or driving a vehicle (count 12; Veh. Code, former

---

[3] The One Strike law does not define any crime, but rather " 'sets forth an alternative and harsher sentencing scheme for certain enumerated sex crimes' when a defendant commits one of those crimes under specified circumstances." (*People v. Acosta* (2002) 29 Cal.4th 105, 118.) Forcible rape, for example, is a crime enumerated within the One Strike law (§ 667.61, subd. (c)(1)) and is punishable under that law by imprisonment for 25 years to life when it is committed under specified circumstances (§ 667.61, subd. (a)), including the kidnapping of the victim where "the movement of the victim substantially increased the risk of harm to the victim over and above that level of risk necessarily inherent in the [rape]" (§ 667.61, subd. (d)(2)).

[4] Effective January 1, 2019, former section 288a was renumbered as section 287. (Stats. 2018, ch. 423, § 49, p. 3215.)

§ 10851, subd. (a)). In connection with counts 2 through 4 and counts 6 through 10, the jury found true an allegation under the One Strike law that Woods kidnapped the victim and his movement of the victim substantially increased the risk of harm to her "over and above that level of risk necessarily inherent in the underlying offense." (§ 667.61, subd. (d)(2).)

At the sentencing hearing, Woods requested the court impose the low terms because he lacked a "serious record." The court rejected the request, stating that "the defendant exhibited a baseness and cruelty of human nature that is one of the worst [the court has] heard about. The aggravating circumstances in this case are so numerous, they far outweigh the fact that the defendant does not have a prior record."

Pursuant to the One Strike law, the trial court imposed a sentence of 25 years to life for the conviction on count 2, plus full-term consecutive sentences of eight years on each of counts 3 and 4 and counts 6 through 9. (See former §§ 667.61, subds. (a) & (g), former 667.6, subd. (c).) Under the determinate sentencing law, the court imposed a six-year term on count 5 (§ 213, subd. (a)(1)(B)), plus a consecutive two-year sentence on count 10 (§ 289, subd. (a)(1)(A)), and consecutive eight-month sentences on counts 11 and 12 (§ 18; former § 422; former § 1170.1, subd. (a); Veh. Code, former § 10851, subd. (a)). Lastly, the court imposed and stayed a life sentence with the possibility of parole on count 1 (§ 209, subd. (b)(1)). The total prison term is 82 years 4 months to life.

In February 2000, we affirmed the judgment with directions to correct a sentencing error, which did not affect the length of the total term, and to correct certain misstatements in the abstract of judgment. (*People v. Woods* (Feb. 16, 2000, B130961) [nonpub. opn.].)

In 2019, Woods petitioned the superior court to hold an evidence preservation proceeding pursuant to *People v. Franklin* (2016) 63 Cal.4th 261. On July 24, 2019, the court denied the petition on the ground that Woods does not qualify for a *Franklin* proceeding because he was sentenced under the One Strike law. Woods attempted to file a notice of appeal from the court's ruling, but the superior court declined to file it, and no further action was taken. Woods thereafter filed the instant petition for writ of habeas corpus.

DISCUSSION

A. *Equal Protection*

Section 3051 generally provides incarcerated youth offenders with an opportunity for early release on parole. (*Williams*, *supra*, 17 Cal.5th at p. 113.) The statute, however, expressly excludes from its purview defendants, such as Woods, who were "convicted of forcible sexual offenses and sentenced under the One Strike law." (*Id.* at p. 110, citing § 3051, subd. (h).) Woods claims that this exclusion violates his right to equal protection because it denies youthful One Strike offenders, such as himself, of a youth offender parole hearing when youthful first degree murderers have that opportunity under section 3051. Under *Williams*, the claim fails.

In *Williams*, when the defendant was 24 years old, he committed numerous sexual offenses against two female victims. (*Williams*, *supra*, 17 Cal.5th at pp. 110–111.) A jury convicted him of 13 counts, including four that qualified as One Strike offenses. (*Id.* at p. 112.) For each One Strike offense, the court sentenced him to 25 years to life. (*Ibid.*) His total sentence was 186 years and two months to life in prison. (*Ibid.*) On appeal, the defendant asserted the same argument Woods makes in the instant petition:

"section 3051's categorical exclusion of One Strike offenders, which rendered him ineligible for a youth offender parole hearing, violated his equal protection rights under the Fourteenth Amendment to the federal Constitution." (*Id.* at pp. 112–113.)

The *Williams* court applied "the deferential rational basis test" to the defendant's equal protection claim (*Williams*, *supra*, 17 Cal.5th at p. 124) and concluded that "the Legislature could rationally exclude One Strike offenders from early parole under section 3051 based on a combination of concerns: the increased risk of recidivism that One Strike offenders pose and the aggravated nature of their offenses" (*id.* at pp. 127–128).

In a supplemental brief filed after the Supreme Court's transfer of this case to this court, the Attorney General argues that the "equal protection issue here is identical to the one presented in *Williams*," and we should therefore reject Woods's claim.[5] We agree. *Williams* addresses the same equal protection issue Woods raises in his petition and its holding controls the outcome here. (See *Auto Equity Sales, Inc. v. Superior Court* (1962) 57 Cal.2d 450, 455.) Accordingly, we reject Woods's equal protection argument.

B. *Eighth Amendment*

Woods argues that his sentence of 82 years 4 months is unconstitutional under the Eighth Amendment to the United States Constitution.[6] His argument is based on the theory that a line of cases prohibiting life sentences without the opportunity for

---

[5] Woods declined to file a supplemental brief and both sides waived oral argument.

[6] The defendant in *Williams* did not raise an Eighth Amendment issue and the court did not address it. (*Williams*, *supra*, 17 Cal.5th at p. 116, fn. 3.)

parole (LWOP) and the functional equivalent of LWOP sentences when the defendant was a juvenile at the time he committed his crimes should apply to him even though he was 19 years old when he committed his crimes. (See, e.g., *Graham v. Florida* (2010) 560 U.S. 48, 75; *People v. Caballero* (2012) 55 Cal.4th 262, 268). He acknowledges that courts have consistently rejected similar arguments. (See *People v. Montelongo* (2020) 55 Cal.App.5th 1016, 1032 (*Montelongo*); *People v. Edwards* (2019) 34 Cal.App.5th 183, 190, disapproved on another point in *Williams*, *supra*, 17 Cal.5th at p. 137, fn. 12; *People v. Perez* (2016) 3 Cal.App.5th 612, 617; *People v. Abundio* (2013) 221 Cal.App.4th 1211, 1220–1221; *People v. Argeta*, *supra*, 210 Cal.App.4th 1478, 1482; *People v. Ellis* (2024) 105 Cal.App.5th 536, 551; see also *People v. Gamache* (2010) 48 Cal.4th 347, 405 [the United States Supreme Court has drawn a "line, prohibiting the death penalty for those younger than 18 years of age, but not for those 18 years of age and older"].) As the *Edwards* court explained, "a defendant's 18th birthday marks a bright line, and only for crimes committed before that date can he or she take advantage of the *Graham*/*Caballero* jurisprudence in arguing cruel and unusual punishment." (*Edwards*, *supra*, 34 Cal.App.5th at p. 190.)

Woods contends that these cases "were incorrectly decided or must be reconsidered in light of the advancement in research into brain science." In *Montelongo*, Division Seven of this court addressed a similar science-based argument. The defendant in that case, "[c]iting a bevy of recent scientific and legal developments, argue[d] the line the United States Supreme Court created . . . between juvenile and adult offenders is arbitrary and, at a minimum, should be extended to 19 or older, as '[s]cience determines.' But that is not our call to make. [Citations.] Unless and until the United States Supreme Court, the California Supreme Court, the Legislature, or the voters by

initiative change the law, we are bound to apply it." (*Montelongo*, *supra*, 55 Cal.App.5th at p. 1032; see also *People v. Perez* (2016) 3 Cal.App.5th 612, 617 ["[o]ur nation's, and our state's, highest court have concluded 18 years old is the bright-line rule and we are bound by their holdings."].) We too are bound by these authorities and therefore reject Woods's Eighth Amendment argument.

DISPOSITION

The petition for writ of habeas corpus is denied.

NOT TO BE PUBLISHED.

ROTHSCHILD, P. J.

I concur:

BENDIX, J.

M. KIM, J.