

People v. Taylor: Collateral Estoppel in Criminal Cases—Key Principles and Policies

By WILLIAM C. OWENS, JR.*

Introduction

In *People v. Taylor*,¹ an unanimous opinion authored by Chief Justice Donald R. Wright, the California Supreme Court applied the doctrine of collateral estoppel to a previously unexplored area of criminal law. The decision extended the well-known holding of a civil case, *Bernhard v. Bank of America*,² to actions involving the vicarious liability of a defendant for his accomplice's acts during the commission of a crime. In *Bernhard*, the California Supreme Court had held that a person who was not a party to the original litigation could, nonetheless, invoke the doctrine of collateral estoppel to bar the relitigation of an issue decided adversely to his opponent at the prior trial, provided that such opponent was a party to the original litigation.³ This principle was applied in *Taylor* to reverse a defendant's murder conviction for aiding and abetting a confederate in the commission of a crime for which the confederate had previously been acquitted.

The *Taylor* decision illustrates the careful and thorough analysis that was the hallmark of Chief Justice Wright's work. Confronted with a case of first impression, the Chief Justice looked to prior application of the doctrine of collateral estoppel in related areas of the law and examined the policy considerations underlying the use of the doctrine in the circumstances before him. His opinion was skillfully drawn to meet all reasonable objections to the extension of the doctrine to this new area of the law.

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1. 12 Cal. 3d 686, 527 P.2d 622, 117 Cal. Rptr. 70 (1974).

2. 19 Cal. 2d 807, 122 P.2d 892 (1942).

3. *Id.* at 811-13, 122 P.2d at 894-95.

I. The *Taylor* Case

A. Lower Court Proceedings

*People v. Taylor*⁴ came to the California Supreme Court on appeal from defendant Taylor's conviction for the death of one of his accomplices during the holdup of a liquor store.⁵ Taylor's role in the robbery was limited to waiting in the getaway car while his confederates, Smith and Daniels, entered the store. Once inside, they threatened the life of the couple who owned and operated the store. Fearful of the threat to her husband's life, the wife initiated a gunfight that resulted in Smith's death. Daniels was charged with the murder of Smith on the theory that the threats to the robbery victims were sufficiently provocative to support a finding that Daniels had acted with malice aforethought, *i.e.*, with "conscious disregard of human life,"⁶ and that, as a principal,⁷ he was vicariously liable⁸ for the death of his accomplice. As an aider and abettor to the commission of a crime,⁹ Taylor

4. 12 Cal. 3d 686, 527 P.2d 622, 117 Cal. Rptr. 70 (1974).

5. Taylor was also convicted of robbery as a result of this incident. That conviction was affirmed on appeal. *Id.* at 698, 527 P.2d at 631, 117 Cal. Rptr. at 79.

6. "Murder is the unlawful killing of a human being, or a fetus, with malice aforethought." CAL. PENAL CODE § 187(a) (West Supp. 1977). "[A]n essential element of murder is an intent to kill or an intent with conscious disregard for life to commit acts likely to kill." *People v. Washington*, 62 Cal. 2d 777, 780, 402 P.2d 130, 133, 44 Cal. Rptr. 442, 445 (1965).

7. "All persons concerned in the commission of a crime, whether it be felony or misdemeanor, and whether they directly commit the act constituting the offense, or aid and abet in its commission, or, not being present, have advised and encouraged its commission, and all persons counseling, advising, or encouraging children under the age of fourteen years, lunatics or idiots, to commit any crime, or who, by fraud, contrivance, or force, occasion the drunkenness of another for the purpose of causing him to commit any crime, or who, by threats, menaces, command, or coercion, compel another to commit any crime, are principals in any crime so committed." CAL. PENAL CODE § 31 (West 1970).

8. "Under the rules defining principals and criminal conspiracies, the defendant may be guilty of murder for a killing attributable to the act of his accomplice. To be so guilty, however, the accomplice must cause the death of another human being by an act committed in furtherance of the common design." *People v. Gilbert*, 63 Cal. 2d 690, 705, 408 P.2d 365, 374, 47 Cal. Rptr. 909, 918 (1965), *vacated and remanded on other grounds*, 388 U.S. 263 (1967).

As the court in *Gilbert* explained: "When the defendant or his accomplice, with a conscious disregard for life, intentionally commits an act that is likely to cause death, and his victim or a police officer kills in reasonable response to such act, the defendant is guilty of murder. In such a case, the killing is attributable, not merely to the commission of a felony, but to the intentional act of the defendant or his accomplice committed with conscious disregard for life.

"Thus, the victim's self-defensive killing or the police officer's killing in the performance of his duty cannot be considered an independent intervening cause for which the defendant is not liable, for it is a reasonable response to the dilemma thrust upon the victim or the policeman by the intentional act of the defendant or his accomplice." *Id.* at 704-05, 408 P.2d at 373-74, 47 Cal. Rptr. at 917-18. *See also* *People v. Washington*, 62 Cal. 2d 777, 781-82, 402 P.2d 130, 133-34, 44 Cal. Rptr. 442, 445-46 (1965).

9. CAL. PENAL CODE § 31 (West 1970).

was similarly charged with Smith's murder.¹⁰

At Daniels' trial, however, the state failed to establish that either Daniels or Smith harbored the malice requisite to a murder conviction.¹¹ Notwithstanding Daniels' acquittal of this charge, Taylor was convicted of Smith's murder at a separate trial. Taylor appealed from the conviction on several grounds,¹² the most important of which was that the doctrine of collateral estoppel barred his conviction. In this regard, Taylor argued that the prior acquittal of Daniels for the same charge should have prevented the state from relitigating this issue in Taylor's subsequent trial.

B. The Issue on Appeal

In a manner typical of his systematic analysis, Chief Justice Wright began the *Taylor* opinion by discussing the basic principles underlying the doctrine of collateral estoppel, which prevents a party from relitigating an issue decided against him in a prior trial. He noted that collateral estoppel bars relitigation of an issue if (1) it is identical to an issue decided in a prior trial, in which (2) there was a final judgment on the merits, and (3) the person against whom collateral estoppel is now asserted was a party or in privity with a party in the prior litigation.¹³ In *Taylor*, the first two requirements were satisfied. The issue of whether Daniels' and Smith's conduct was sufficiently provocative to support a finding of malice was common both to Taylor's prosecution and to Daniels' prior trial. Daniels' acquittal on

10. In appealing the denial of his earlier motion to set aside the information for the murder count, Taylor had argued that the court should ignore evidence of Smith's conduct because Smith could not be held responsible for his own death. The court rejected this argument on the basis of *People v. Washington*, 62 Cal. 2d 777, 780, 402 P.2d 130, 132-33, 44 Cal. Rptr. 442, 444-45 (1965), in which it was established that a defendant's criminal liability could not depend on the fortuitous circumstance of which person was killed. "Therefore, the trier of fact may find that Smith set into motion, through the intentional commission of acts constituting implied malice and in furtherance of the robbery, a gun battle resulting in his own death. Since petitioner may be held vicariously liable for *any* killing legally attributable to his accomplices, he may be charged with Smith's death." *Taylor v. Superior Court*, 3 Cal. 3d 578, 584 n.3, 497 P.2d 131, 135 n.3, 91 Cal. Rptr. 275, 279 n.3 (1970). Subsequent to the reversal of Taylor's conviction on the ground of collateral estoppel, the California Supreme Court overruled the holding in *Taylor* regarding a felon's liability for his own death. *People v. Antick*, 15 Cal. 3d 79, 92 n.12, 539 P.2d 43, 51 n.12, 112 Cal. Rptr. 475, 483 n.12 (1975).

11. 12 Cal. 3d at 691, 527 P.2d at 625, 117 Cal. Rptr. at 73.

12. Taylor also contended that (1) there was insufficient evidence to support the verdict; (2) he was improperly limited in the cross-examination of an important witness; and (3) improper instructions were given on the issue of malice. Reversal on the basis of collateral estoppel made it unnecessary for the court to consider these other grounds. *Id.* at 689, 527 P.2d at 624, 117 Cal. Rptr. at 72.

13. See *Bernhard v. Bank of America*, 19 Cal. 2d 807, 813, 122 P.2d 892, 895 (1942). See also *Teitelbaum Furs, Inc. v. Dominion Ins. Co.*, 58 Cal. 2d 601, 604, 375 P.2d 439, 440, 25 Cal. Rptr. 559, 560 (1962), *cert. denied sub nom. Teitelbaum Furs, Inc. v. American Home Ins. Co.*, 372 U.S. 966 (1963).

the murder charge was also a final judgment on the merits as to that issue.

The third requirement, identity of parties, presented some difficulty, however. The holding in *Bernhard v. Bank of America*,¹⁴ which established that the party seeking to apply the doctrine of collateral estoppel need not have been a party at the prior trial, had been applied to civil cases only. In addition, several criminal cases contained dicta indicating that collateral estoppel could not be invoked by a defendant who was not a party at the prior trial.¹⁵ But, as Chief Justice Wright's incisive analysis demonstrated, these cases were readily distinguishable from *Taylor* for several reasons: they failed to satisfy certain basic prerequisites of collateral estoppel, such as identity of issue¹⁶ and final judgment on the merits;¹⁷ they concerned joint trials that did not involve the question of collateral estoppel;¹⁸ or they did not involve the question of a defendant's vicarious liability for the alleged crimes of a previously acquitted accomplice.¹⁹ Courts in other jurisdictions had, in addition, divided on the issue.²⁰ It was thus apparent that no controlling precedent was available to justify the application of the *Bern-*

14. 19 Cal. 2d 807, 122 P.2d 892 (1942).

15. See, e.g., *Woodford v. Municipal Court*, 37 Cal. App. 3d 874, 112 Cal. Rptr. 773 (1970).

16. The issues were dissimilar either because the defendant had actively participated in the crime and his conviction was therefore not based solely upon vicarious liability, *People v. Scoglio*, 3 Cal. App. 3d 1, 3-5, 82 Cal. Rptr. 869, 870 (1969); see *People v. Stone*, 213 Cal. App. 2d 260, 262-65, 28 Cal. Rptr. 522, 523-25 (1963); *People v. Gutierrez*, 207 Cal. App. 2d 529, 530-31, 24 Cal. Rptr. 441, 443 (1962), or because the perpetrator was acquitted as the result of an affirmative defense not determinative of the criminality of his actions, such as intoxication, *People v. Massie*, 122 Cal. App. 2d 235, 236, 264 P.2d 671, 672 (1953); deception, *People v. Collins*, 242 Cal. App. 2d 626, 635-36, 51 Cal. Rptr. 604, 609-10 (1966); or duress, *People v. Hernandez*, 18 Cal. App. 3d 651, 657, 96 Cal. Rptr. 71, 74 (1971).

17. Various proceedings against one of the perpetrators were terminated by a conviction, *People v. Newberry*, 20 Cal. 439, 440-41 (1862); *People v. Bearss*, 10 Cal. 68, 69-70 (1858), or by a plea bargain, *People v. Griffith*, 181 Cal. App. 2d 715, 719, 5 Cal. Rptr. 620, 622-23 (1960); *People v. Simpson*, 66 Cal. App. 2d 319, 321-22, 329, 152 P.2d 339, 340, 344 (1944).

18. See, e.g., *People v. Braun*, 29 Cal. App. 3d 949, 973-74, 106 Cal. Rptr. 56, 70-71 (1973); *People v. Allsip*, 268 Cal. App. 2d 830, 831-32, 74 Cal. Rptr. 550, 550-51 (1969); *People v. Finch*, 213 Cal. App. 2d 752, 777, 29 Cal. Rptr. 420, 434-35 (1963); *People v. Blackwood*, 35 Cal. App. 2d 728, 732-33, 96 P.2d 982, 984-85 (1939).

19. Several cases involved questions of obscenity that affected the criminal liability of several defendants, none of whom was held vicariously liable for the acts of the others, *Woodford v. Municipal Court*, 37 Cal. App. 3d 874, 877-78, 112 Cal. Rptr. 773, 775-76 (1974); *People v. Seltzer*, 25 Cal. App. 3d Supp. 52, 54-57, 101 Cal. Rptr. 260, 261-63 (1972). Another case involved the question of the legality of a ban on demonstrations in a university recently struck by violence, and again, none of the defendants was held vicariously liable, *People v. Uptgraft*, 8 Cal. App. 3d Supp. 1, 9-10, 87 Cal. Rptr. 459, 464 (1970).

20. Compare *United States v. Prince*, 430 F.2d 1324, 1325 (4th Cir. 1970); *People v. Walker*, 361 Ill. 482, 487-88, 198 N.E. 353, 356 (1935); *Schmidt v. State*, 300 N.E.2d 86, 87-88 (Ind. 1973); *State v. St. Philip*, 169 La. 468, 472-74, 125 So. 451, 452-53 (1929) with *United States v. Musgrave*, 483 F.2d 331-33 (5th Cir. 1973), cert. denied, 414 U.S. 1023 (1973); *Rush v. State*, 239 Ark. 878, 879-81, 395 S.W.2d 3, 4-5 (1965); *Roberts v. People*, 103 Colo. 250, 256-61,

hard doctrine, and therefore the solution to *Taylor* would have to be worked out through the application of basic legal principles.

C. Precedential and Policy Concerns

In laying the foundation for application of the *Bernhard* doctrine in this area of criminal law, Chief Justice Wright first examined analogous California precedents in both civil and criminal cases. It was well established that collateral estoppel would bar imposition of vicarious tort liability on an employer for the actions of his employee when the latter had been exonerated in a prior suit based on the same acts.²¹ Similarly, collateral estoppel precluded a defendant from being convicted for criminal conspiracy when all alleged co-conspirators had been exonerated of this charge.²² These precedents supported extension of the doctrine of collateral estoppel to the *Taylor* case.

The Chief Justice then identified three policy considerations that also favored the application of collateral estoppel to the situation at hand: (1) the need to promote judicial economy by avoiding repetitive litigation;²³ (2) the need to avoid inconsistent decisions that would in turn undermine public confidence in the judicial system; and (3) the need to avoid harassment of the individual by repeated litigation of the same issue.²⁴ Of these factors, the need to prevent loss of confidence in and compromise of judicial integrity appeared to be of paramount importance with respect to the issue of vicarious liability. This factor is the key to the *Taylor* decision.

Public confidence in the orderly processes of the legal system is not enhanced by two diametrically opposed verdicts on an identical issue in two separate trials. This consideration is most important in criminal cases, which

87 P.2d 251, 254-57 (1938); *State v. Cunha*, 193 N.W. 2d 106, 109 (Iowa 1971); *Christie v. Commonwealth*, 193 Ky. 799, 801, 237 S.W. 660, 661 (1922); *State v. Hess*, 233 Wis. 4, 7-9, 288 N.W. 275, 277-78 (1939).

21. *Barrabee v. Crescenta Mut. Water Co.*, 88 Cal. App. 2d 192, 195-97, 198 P.2d 558, 559-60 (1948). See *Bird v. McGuire*, 216 Cal. App. 2d 702, 718-19, 31 Cal. Rptr. 386, 397-98 (1963). See also *Adams Mfg. & Eng'r Co. v. Coast Centerless Grinding Co.*, 184 Cal. App. 2d 649, 655-57, 7 Cal. Rptr. 761, 765-66 (1960).

22. See *People v. Reeves*, 250 Cal. App. 2d 490, 493-94, 58 Cal. Rptr. 517, 519-20 (1967); *People v. James*, 189 Cal. App. 2d 14, 16-17, 10 Cal. Rptr. 809, 810 (1961). See also *United States v. Bruno*, 333 F. Supp. 570 (E.D. Pa. 1971).

23. 12 Cal. 3d at 695, 527 P.2d at 628, 117 Cal. Rptr. at 76. As aptly noted by Chief Justice Wright, the need to promote judicial economy by avoiding repetitive litigation was even more important in criminal than in civil cases because court congestion and crowded dockets often worked a hardship on defendants who were incarcerated prior to trial. *Id.* In addition, relieving court congestion through the liberal use of collateral estoppel furthered social welfare by reducing the pressure for plea bargains that were primarily motivated by a desire to reduce case backlog rather than to further the interests of the defendant.

24. *Id.* It should be noted that the need to avoid harassment through repeated litigation may be irrelevant where the defendant, like *Taylor*, was not a party to the prior litigation. *Id.*

generally receive more publicity.²⁵ In *Taylor*, a holding against the application of collateral estoppel would have resulted in the defendant's conviction for the alleged crime of his accomplice, even though the accomplice had previously been acquitted of that same crime. As Chief Justice Wright aptly stated:

Few things undermine the layman's faith in the integrity of our legal institutions more than the specter of a system which results in a person being punished for the acts of another, when the actor himself under identical charges had been previously exonerated from responsibility for those very acts. This is particularly so under the facts of the instant case when the People seek to punish defendant, who was not even present on the immediate scene, for the death of an accomplice caused by the acts of another confederate who himself has been exonerated.²⁶

II. Limitations on the *Taylor* Rule

Having found support in related precedent and cogent policy considerations for extending collateral estoppel to the *Taylor* case, Chief Justice Wright then examined the state's policy arguments against application of the doctrine. The state maintained that ignoring the requirement of party identity would (1) cause difficulty in the identification of issues resolved against the prosecution in the prior trial; (2) result in unfairness to the prosecution in that the state would be bound by the result of the first trial whereas the defendant would not be similarly bound; and (3) multiply the effects of a potentially erroneous acquittal from the first trial.²⁷ In meeting these objections, the Chief Justice displayed the careful craftsmanship that was the hallmark of his work by limiting the court's holding to accommodate most of the policy arguments raised by the prosecution.

In response to the first argument, that it would be difficult to determine which issues had been resolved after a verdict of acquittal were there no requirement of party identity, Chief Justice Wright countered that the issues would in fact be identical if the state prosecuted a defendant under the theory of vicarious liability for the criminal acts of the previously acquitted accomplice.²⁸ In *Taylor*, the issue resolved adversely to the state in the prior trial was whether the perpetrator of the crime had in fact committed the criminal act for which *Taylor* was charged as an aider and abettor. To insure that the identity of issue requirement would itself be satisfied in future cases, however, Chief Justice Wright wisely limited the court's holding to situations in which the perpetrator's prior acquittal was based on a defense

25. *Id.* at 695-96, 527 P.2d at 628-29, 117 Cal. Rptr. at 76-77.

26. *Id.* at 696, 527 P.2d at 628-29, 117 Cal. Rptr. at 76-77.

27. *Id.* at 696, 527 P.2d at 629, 117 Cal. Rptr. at 77.

28. *Id.*

determinative of the criminality of his actions, *i.e.*, not a defense of duress or intoxication.²⁹

The prosecution's second argument against the application of collateral estoppel was in fact two-pronged. The argument that the state would be unfairly bound by the results of a prior trial if the defendant were not similarly bound was based first, on an assumption that the prosecution was not motivated to litigate the contested issue fully in the prior trial and second, on the possibility that the defendant would then have two chances for exoneration, either through prior acquittal of the accused perpetrator or through acquittal of the defendant himself if the perpetrator were convicted.³⁰

In disposing of the first part of this argument, Chief Justice Wright observed that the prosecution was apparently more highly motivated to litigate the issue of guilt in Daniels' trial than in Taylor's. The evidence indicated that Daniels was the ringleader for the liquor store robbery, while Taylor appeared to have played only a minor role.³¹ To reduce the possibility that collateral estoppel might be applied in situations where the prosecution in the prior trial had not been motivated to litigate the contested issue vigorously, however, the Chief Justice narrowed the court's holding to situations in which the defendant had not instigated or directly participated in the crime for which the state sought to hold him vicariously liable.³²

In disposing of the second half of the argument regarding the defendant's chances for exoneration, Chief Justice Wright observed that the same contention had been rejected in civil cases establishing that parties to a pending suit were entitled to invoke for purposes of collateral estoppel a prior judgment by which they were not bound.³³ He limited the application of this rule in criminal cases, however, to situations involving only one defendant,³⁴ which was the case in *Taylor*. Whether collateral estoppel would apply in a case with many potential defendants who might benefit from the results of a previous trial and whose criminal liability was not based solely upon vicarious responsibility was explicitly left unresolved.³⁵

29. *Id.* at 697 n.13, 527 P.2d at 629 n.13, 117 Cal. Rptr. at 77 n.13.

30. *Id.* at 697, 527 P.2d at 629, 117 Cal. Rptr. at 77.

31. *Id.*

32. *Id.* at 697 n.14, 527 P.2d at 630 n.14, 117 Cal. Rptr. at 78 n.14.

33. *Id.* at 697, 527 P.2d at 630, 117 Cal. Rptr. at 78. This principle had been established in the *Bernhard* case and reaffirmed in *Teitelbaum Furs, Inc. v. Dominion Ins. Co.*, 58 Cal. 2d 601, 606-07, 375 P.2d 439, 441-42, 25 Cal. Rptr. 559, 561-62 (1962), *cert. denied sub nom. Teitelbaum Furs, Inc. v. American Home Ins. Co.*, 372 U.S. 966 (1963).

34. 12 Cal. 3d at 697, 527 P.2d at 630, 117 Cal. Rptr. at 78.

35. *Id.* at 697 n.15, 527 P.2d at 630 n.15, 117 Cal. Rptr. at 78 n.15. If many potential defendants could benefit from the plea of collateral estoppel, the state would be foreclosed from prosecuting all other defendants if it lost its case against any one of them. At the same time, the prosecution would gain little by conviction of any one defendant because the remain-

The prosecution's third argument against the extension of collateral estoppel was the perceived need to avoid multiplying the effects of a potentially erroneous verdict of acquittal in the first trial. This argument was based on an apprehension that the prior verdict of acquittal might have been the result of defects in the evidence submitted to the trier of fact or of erroneous rulings of law by the trial judge. In any case, according to the prosecution, the prior verdict of acquittal meant only that the perpetrator's guilt was not proven beyond a reasonable doubt, not that the perpetrator had not in fact committed the crime. In disposing of these concerns, Chief Justice Wright initially reviewed the evidence presented in Daniels' trial, compared it with the evidence adduced in Taylor's trial, and concluded that the different results in the two trials could not be explained by differences in the evidence.³⁶ The Chief Justice again narrowed the court's holding, however, by limiting it to situations in which no claim was made that the prosecution had obtained new evidence after acquittal in the prior trial.³⁷ The effect of newly discovered evidence on a plea of collateral estoppel was thus left for resolution in a subsequent case.³⁸

Chief Justice Wright then dismissed the claim that Daniels' acquittal in the prior trial was the result of an erroneous jury instruction concerning malice as an element of murder. He noted that the jury instructions on the subject were substantially the same in both trials and that both instructions correctly stated that malice could be inferred from conduct that involved a high risk of death, in conscious disregard of human life.³⁹ Realizing that the prosecution might be hampered by an uncorrectable and unreviewable⁴⁰ error of law committed by a trial judge, Chief Justice Wright again prudently tailored the court's holding to situations in which the prosecution did not allege that the prior verdict of acquittal was based on errors of law.

Finally, with respect to the state's contention that a judgment of acquittal meant only that guilt was not proven beyond a reasonable doubt, not that the crime itself was not committed, Chief Justice Wright aptly noted

ing defendants would urge that they were not bound by collateral estoppel in that they were not parties to the prior prosecution. This consideration seems to be implicit in the decisions of a number of courts of appeal that had rejected the plea of collateral estoppel. *See, e.g.*, *Woodford v. Municipal Court*, 37 Cal. App. 3d 874, 877-78, 112 Cal. Rptr. 773, 775-76 (1974); *People v. Seltzer*, 25 Cal. App. 3d Supp. 52, 55, 101 Cal. Rptr. 260, 260-63 (1972); *People v. Uptgraft*, 8 Cal. App. 3d Supp. 1, 9-10, 87 Cal. Rptr. 459, 464 (1970).

36. 12 Cal. 3d at 698, 527 P.2d at 630, 117 Cal. Rptr. at 78.

37. *Id.* at 698 n.16, 527 P.2d at 630 n.16, 117 Cal. Rptr. at 78 n.16.

38. *Id.*

39. *Id.* at 698, 527 P.2d at 630, 117 Cal. Rptr. at 78.

40. *Id.* at 698 n.17, 527 P.2d at 630 n.17, 117 Cal. Rptr. at 78 n.17. If a defendant is acquitted, the prosecution is limited in the issues it may present for appellate review. *See* CAL. PENAL CODE § 1238 (West Supp. 1977).

that the burden of proof in the original trial upon which the plea of collateral estoppel was based is the same as the burden of proof in the subsequent criminal trial.⁴¹ More significantly, the prior acquittal of an alleged perpetrator raises a reasonable doubt about his guilt, which, in turn, should raise reasonable doubt about the guilt of his alleged aider and abettor, particularly when the guilt of the latter party is based solely on his vicarious liability for the crimes of the perpetrator.⁴²

Conclusion

*People v. Taylor*⁴³ represents a necessary extension of the doctrine of *Bernhard v. Bank of America*⁴⁴ to cases involving vicarious criminal liability. The decision reflects Chief Justice Wright's extensive judicial skills in dealing with a case of first impression. On the basis of a careful analysis of precedent and a weighing of policy arguments, the Chief Justice carefully tailored his opinion to accommodate key objections. An important addition to the law of collateral estoppel, *People v. Taylor*⁴⁵ has enhanced the California Supreme Court's preeminent reputation as a national leader in the development of the law.

41. 12 Cal. 3d at 686 n.12, 527 P.2d at 629 n.12, 117 Cal. Rptr. at 77 n.12.

42. *Id.*

43. 12 Cal. 3d 686, 527 P.2d 622, 117 Cal. Rptr. 70 (1974).

44. 19 Cal. 2d 807, 811-13, 122 P.2d 892, 894-95 (1942).

45. 12 Cal. 3d 686, 527 P.2d 622, 117 Cal. Rptr. 70 (1974).

