

ISSUES PENDING BEFORE THE CALIFORNIA SUPREME COURT IN CRIMINAL CASES

[These case summaries are made available to inform the public of the general subject matter in cases that the Supreme Court has accepted for review. The statement of the issue or issues in each case set out below does not necessarily reflect the views of the court, or define the specific issues that will be addressed by the court. This compilation is current as of Friday, October 10, 2025.]

People v. Allen, S286520. (B328333; nonpublished opinion; Los Angeles County Superior Court; NA104090.) Petition for review after the Court of Appeal affirmed a judgment of conviction of criminal offenses. This case presents the following issues: (1) If a defendant has invoked his right to remain silent while being interrogated by a law enforcement officer, are incriminating statements obtained through a subsequent *Perkins* operation (i.e., the use of an undercover agent to question a jailed defendant) admissible as substantive proof of the defendant's guilt at trial? (See *Illinois v. Perkins* (1990) 496 U.S. 292; *Miranda v. Arizona* (1966) 384 U.S. 436.) (2) What effect, if any, does the fact that the interrogating officer continued questioning after petitioner invoked his Fifth Amendment right to silence have upon the admissibility of the statements subsequently obtained during the *Perkins* operation?

People v. Andrews, S290832. (F088013; nonpublished opinion; Tulare County Superior Court; VCF142325.) Petition for review after the Court of Appeal remanded for recalculation of presentence credits, and otherwise affirmed an order granting in part and denying in part a post-judgment motion in a criminal matter. This case presents the following issues: (1) If a trial court recalls a defendant's sentence upon recommendation of the Secretary of the Department of Corrections and Rehabilitation pursuant to Penal Code section 1172.1, is there a presumption that the defendant will not be resentenced to the same effective term? (2) Did the trial court abuse its discretion by resentencing defendant to the same effective term?

People v. Cofer, S286297. (H050122; 103 Cal.App.5th 333; Monterey County Superior Court; 20CR010763.) Petition for review after the Court of Appeal reversed a judgment of conviction of criminal offenses and remanded for further proceedings. This case presents the following issue: When a defendant is sentenced to concurrent terms on multiple cases jointly resolved at a single hearing, does Penal Code section 2900.5, subdivision (b) entitle the defendant to duplicative presentence custody credits for time spent in custody on one or more of the cases, but not others?

People v. Eaton, S289903. (C096853; nonpublished opinion; Sacramento County Superior Court; 93F04514.) Petition for review after the Court of Appeal affirmed an order granting in part and denying in part a post-judgment motion in a criminal matter. This case presents the following issue: May a trial court reimpose a previously imposed upper term sentence under Penal Code section 1172.75, subdivision (d)(4) where the facts underlying one or more aggravating circumstances were neither stipulated to by the defendant nor found true beyond a reasonable doubt at trial by the jury or by the judge in a court trial (cf. Pen. Code, § 1170, subd. (b)(2); *id.*, § 1172.75, subd. (d)(2))?

People v. Espino, S286987. (H051258; 104 Cal.App.5th 188; Santa Clara County Superior Court; C1761121.) Petition for review after the Court of Appeal reversed an order denying a post-judgment motion in a criminal matter and remanded for resentencing. This case presents the following issue: Is a defendant entitled to resentencing under Penal Code section 1172.75 when the judgment in the defendant's criminal case includes a prior-prison-term enhancement that was imposed but for which punishment was stricken?

People v. Esquivias, S286371. (B329800; 103 Cal.App.5th 969; Los Angeles County Superior Court; PA077370.) Petition for review after the Court of Appeal affirmed an order granting in part and denying in part a post-judgment motion in a criminal matter. This case presents the following issue: Does the issuance of an order to show cause to review one aspect of a defendant's sentence in habeas corpus proceedings render applicable all ameliorative laws taking effect after the defendant's judgment became final?

People v. Henderson, S291105. (B330707; 110 Cal.App.5th 828; Los Angeles County Superior Court; A918235.) Petition for review after the Court of Appeal affirmed a post-judgment order in a criminal matter. The court limited review to the following issue: Does Penal Code section 1385.1, which bars sentencing courts from striking special circumstance findings, apply to Penal Code section 1172.6 resentencing proceedings for murder convictions occurring prior to the June 6, 1990 effective date of section 1385.1?

In re Hernandez, S282186. (F076752; nonpublished opinion; Kern County Superior Court; BF150639A.) Petition for review after the Court of Appeal affirmed an order denying a post-judgment motion in a criminal matter. This case presents the following issue: Does the totality of the circumstances establish that defendant meaningfully understood the immigration consequences of her plea?

People v. Hughey, S287455. (B325796; 105 Cal.App.5th 216; Ventura County Superior Court; 2021019944.) Petitions for review after the Court of Appeal modified and affirmed judgments of conviction of criminal offenses. This case presents the following issue: Was there sufficient evidence of asportation to support defendants' convictions for kidnapping (Pen. Code, § 207, subd. (a))?

People v. Hyatt, S290426. (G063126; 109 Cal.App.5th 735; Orange County Superior Court; 19NF3055.) Petition for review after the Court of Appeal affirmed an order of dismissal of a criminal proceeding. This case presents the following issues: (1) Has a defendant who has been sentenced to a prison term and is housed in a county jail pending transport to state prison “entered upon a term of imprisonment in a state prison,” so that they may demand a trial on other, pending charges within 90 days pursuant to Penal Code section 1381? (2) Is the dismissal of a felony complaint prior to the preliminary hearing an “appealable order in a felony case,” such that an appeal by the People is heard by the Court of Appeal? (See Pen. Code, § 1235, subd. (b).)

People v. Kopp, S257844. (D072464; 38 Cal.App.5th 47; San Diego County Superior Court; SCN327213.) Petition for review after the Court of Appeal affirmed in part and reversed in part judgments of conviction of criminal offenses. The court limited review to the following issues: (1) Must a court consider a defendant’s ability to pay before imposing or executing fines, fees, and assessments? (2) If so, which party bears the burden of proof regarding the defendant’s inability to pay?

In re Kowalczyk, S277910. (A162977; 85 Cal.App.5th 667; San Mateo County Superior Court; 21SF003700A.) Petition for review after the Court of Appeal dismissed a petition for writ of habeas corpus as moot. The court limited review to the following issues: (1) Which constitutional provision governs the denial of bail in noncapital cases — article I, section 12, subdivisions (b) and (c), or article I, section 28, subdivision (f)(3), of the California Constitution — or, in the alternative, can these provisions be reconciled? (2) May a superior court ever set pretrial bail above an arrestee’s ability to pay?

People v. Lopez, S287814. (F085300; nonpublished opinion; Stanislaus County Superior Court; 1073884.) Petition for review after the Court of Appeal affirmed an order denying a post-judgment motion in a criminal matter. The court limited review to the following issue: Does Penal Code section 1172.6, subdivision (a)(3), which requires defendants to allege that they “could not presently be convicted of murder or attempted murder because of changes to section 188 or 189 made effective January 1, 2019,” render ineligible for relief petitioners who could have raised their challenges to imputed malice on prior direct appeal?

People v. Luu, S291235. (G063066; 110 Cal.App.5th 1051; Orange County Superior Court; 01WF1559.) Petition for review after the Court of Appeal reversed an order denying a post-judgment motion in a criminal matter and remanded for further proceedings. This case presents the following issue: Is a person convicted of attempted voluntary manslaughter eligible for resentencing relief under Penal Code section 1172.6?

People v. Mataele, S291019. (G064565; no opinion; Orange County Superior Court; 00NF1347.) Application to transfer cause before decision by the Court of Appeal. This case presents issues relating to the noncapital resentencing of a capital defendant following remand. In addition, the court directed the parties to brief and argue whether this court has exclusive jurisdiction over this appeal, or whether this appeal may be decided by the Court of Appeal. (See Cal. Const., art. VI, § 11, subd. (a); *People v. Coleman* (1991) 53 Cal.3d 949, 951, fn. 1.)

People v. Meno, S286092. (D081878; 102 Cal.App.5th 943; San Diego County Superior Court; SCD288239.) Petition for review after the Court of Appeal modified and affirmed a judgment of conviction of criminal offenses. This case presents the following issue: Does a trial court have discretion to dismiss either the greater or lesser included offense involving the same conduct of driving under the influence causing death in order to avoid the prohibition against multiple convictions based on necessarily included offenses?

People v. Mitchell, S277314. (A163476; 83 Cal.App.5th 1051; Mendocino County Superior Court; SCUKCRCR2021373081.) Petition for review after the Court of Appeal affirmed a judgment of conviction of criminal offenses. This case presents the following issue: Does Senate Bill No. 567 (Stats. 2021, ch. 731), which limits a trial court's discretion to impose upper term sentences, apply retroactively to defendants sentenced pursuant to stipulated plea agreements?

In re Montgomery, S287339. (D083970; 104 Cal.App.5th 1062; San Diego County Superior Court; HC25670.) Petition for review after the Court of Appeal dismissed the appeal of a post-judgment order in a criminal matter. This case presents the following issue: Must a petitioner allege a *prima facie* case for relief under the Racial Justice Act (Pen. Code, § 745; RJA) before the trial court can consider a discovery request for disclosure of evidence under the RJA (*id.*, subd. (d))?

People v. Morgan, S286493. (A166435; 103 Cal.App.5th 488; Sonoma County Superior Court; SCR7469261.) Petition for review after the Court of Appeal affirmed in part and reversed in part a judgment of conviction of criminal offenses and remanded for resentencing. This case presents the following issue: Is assault (Pen. Code, § 240) a necessarily included lesser offense of resisting an executive officer by force or violence (Pen. Code, § 69, subd. (a))?

People v. Morris, S284751. (G061916; 100 Cal.App.5th 1016; Orange County Superior Court; 08CF1591.) Petition for review after the Court of Appeal affirmed an order denying a post-judgment motion in a criminal matter. This case presents the following issue: Did the trial court correctly deny defendant's Penal Code section 1172.6 resentencing petition at the *prima facie* stage on the ground that the *actus reus* of first degree felony murder requires that a defendant who is not the actual killer need only aid in the underlying felony and not in the killing itself (Pen. Code, § 189, subd. (e)(2))?

People v. Munoz, S290828. (B336656; 110 Cal.App.5th 499; Los Angeles County Superior Court; LA052535.) Petition for review after the Court of Appeal affirmed an order denying a post-judgment motion in a criminal matter. This case presents the following issue: Is a juvenile homicide offender sentenced to 50 years to life in prison entitled to recall and resentencing under Penal Code section 1170, subdivision (d)(1) on the ground that the sentence is the functional equivalent of life imprisonment without parole?

People v. Robinson, S288606. (C098299; 106 Cal.App.5th 854, mod. 107 Cal.App.5th 245a; San Joaquin County Superior Court; SF117220A.) Petition for review after the Court of Appeal affirmed an order denying a post-judgment motion in a criminal matter. This case presents the following issue: Is a transcript of grand jury proceedings admissible at a Penal Code section 1172.6 evidentiary hearing?

People v. SanMiguel, S287786. (B328160; 105 Cal.App.5th 880; Ventura County Superior Court; 2022002116.) Petition for review after the Court of Appeal affirmed a judgment of conviction of criminal offenses. The court limited review to the following issue: Did the trial court properly overrule defendant's Code of Civil Procedure section 231.7 objection to the People's peremptory challenge of a prospective juror?

Sellers v. Superior Court, S287164. (C100036; 104 Cal.App.5th 468; Sacramento County Superior Court; 21FE018661.) Petition for review after the Court of Appeal denied a petition for writ of mandate. This case presents the following issues: (1) Does the presence of 0.36 grams of loose marijuana on the floor of a vehicle constitute an open container violation under Health & Safety Code, section 11362.3, subdivision (a)(4)? (2) Does the answer to this question affect whether there was probable cause for a warrantless vehicle search under the totality of the circumstances, such that remand would be required for reconsideration of the Court of Appeal's alternative analysis, *Sellers v. Superior Court* (2024) 104 Cal.App.5th 468, 478–479?

People v. Shaw, S286453. (C098821; nonpublished opinion; Placer County Superior Court; 62176716Z.) Petition for review after the Court of Appeal affirmed a judgment of conviction of criminal offenses. The court limited review to the following issue: May two prior convictions arising out of a single act that harms multiple victims constitute two strikes under the Three Strikes law? (*People v. Vargas* (2014) 59 Cal.4th 635; *People v. Williams* (1998) 17 Cal.4th 148.)

Snap, Inc. v. Superior Court, S286267. (D083475, D083446; 103 Cal.App.5th 1031; San Diego County Superior Court; CN429787.) Petitions for review after the Court of Appeal granted in part and denied in part petitions for peremptory writ of mandate. This case presents the following issues: (1) Does the federal Stored Communications Act (18 U.S.C. § 2701 et seq.) bar a social media company from disclosing an individual's account information in response to a criminal defendant's subpoena? (2) Did the trial court abuse its discretion by finding that good cause supported the subpoena for third-party discovery?

People v. Woods, S290581. (G061948; 109 Cal.App.5th 985; Orange County Superior Court; 17CF1373.) Petition for review after the Court of Appeal affirmed in part and reversed in part a judgment of conviction of criminal offenses. This case presents the following issue: Must workers' compensation insurance fraud involving a kickback scheme be prosecuted as a misdemeanor under Labor Code section 139.32, subdivision (c), or may it be prosecuted as a felony under Penal Code section 550, subdivision (b)(3)? (See *In re Williamson* (1954) 43 Cal.2d 651.)