



**SUPREME COURT OF CALIFORNIA
ORAL ARGUMENT CALENDAR
SAN FRANCISCO SESSION
MARCH 4 and 5, 2026
FIRST AMENDED**

The following cases are placed upon the calendar of the Supreme Court for hearing at its courtroom in the Ronald M. George State Office Complex, Earl Warren Building, 350 McAllister Street, Fourth Floor, San Francisco, California, on March 4 and 5, 2026. The public may attend in person and also have access to argument via live-streaming on the judicial branch website: <https://supreme.courts.ca.gov/>.

WEDNESDAY, MARCH 4, 2026 — 1:30 P.M.

- (1) O. (J.) v. Superior Court of San Joaquin County (San Joaquin County Public Conservator, Real Party in Interest), S287285
(Brown, P. J., assigned justice pro tempore)
- (2) M. (J.) v. Illuminate Education, Inc., S286699
(Buchanan, J., assigned justice pro tempore)
- (3) People v. Mitchell (Sunee Lynn), S277314
(Bromberg, J., assigned justice pro tempore)

THURSDAY, MARCH 5, 2026 — 9:00 A.M.

- (4) People v. Bankston (Anthony George), [Automatic Appeal], S044739
(Reargument — Jenkins, J., retired Supreme Court justice, participating)
- (5) People v. Barrera (Marcos Esquivel), [Automatic Appeal], S103358
(Reargument — Jenkins, J., retired Supreme Court justice, participating)
- (6) People v. Chhuon (Run Peter) and Pan (Samreth Sam), [Automatic Appeal], S105403
(Reargument — Jenkins, J., retired Supreme Court justice, participating)
- (7) People v. Demolle (Alex), [Automatic Appeal], S159120
(Reargument — Jenkins, J., retired Supreme Court justice, participating)

GUERRERO

Chief Justice

If exhibits are to be transmitted to this court, counsel must apply to the court for permission. (See Cal. Rules of Court, rule 8.224(c).)

**SUPREME COURT OF CALIFORNIA
ORAL ARGUMENT CALENDAR
SAN FRANCISCO SESSION
MARCH 4 and 5, 2026
FIRST AMENDED**

The following case summaries are issued to inform the public about cases that the California Supreme Court has scheduled for oral argument and of their general subject matter. The descriptions set out below are, in most instances, reproduced from the original news release issued when review in each of these matters was granted, and are provided for the convenience of the public. The descriptions do not necessarily reflect the view of the court or define the specific issues that will be addressed by the court.

WEDNESDAY, MARCH 4, 2026 — 1:30 P.M.

(1) *O. (J.) v. Superior Court of San Joaquin County (San Joaquin County Public Conservator, Real Party in Interest), S287285*

(Brown, P. J., assigned justice pro tempore)

#24-257 *O. (J.) v. Superior Court of San Joaquin County (San Joaquin County Public Conservator, Real Party in Interest), S287285.* (C102071; nonpublished order; San Joaquin County Superior Court; STKMHLPSC20160000110.) Petition for review after the Court of Appeal denied a petition for writ of mandate in a conservatorship proceeding, with the court issuing an order to show cause returnable before it. This case presents the following issue: Should this court's decision in *Solberg v. Superior Court* (1977) 19 Cal.3d 182 be overruled or limited insofar as it allowed a public agency to bring "blanket challenges" against particular judges under Code of Civil Procedure section 170.6? The parties were further directed to serve and file supplemental briefs addressing the following question: Assuming arguendo that "blanket challenges" to a particular judge under Code of Civil Procedure section 170.6 implicate separation of powers concerns, do those concerns apply to actions taken only by executive branch offices such as a county counsel or a district attorney's office, or does the concern apply more broadly to non-executive branch entities such as a public defender's office or a private law firm? (See, e.g., *People v. Superior Court (Tejeda)* (2016) 1 Cal.App.5th

892, 896; *id.* at p. 912, fn. 2 (conc. opn. of Aronson, J.); *id.* at p. 930 (dis. opn. of Thompson, J.).)

(2) *M. (J.) v. Illuminate Education, Inc., S286699*

(Buchanan, J., assigned justice pro tempore)

#24-211 J.M. v. Illuminate Education, Inc., S286699. (B327683; 103 Cal.App.5th 1125; Ventura County Superior Court; 56-2022-00567324-CU-MC-VTA.) Petition for review after the Court of Appeal reversed the judgment in a civil action and remanded for further proceedings. This case presents the following issue: Is a company that stores students' confidential personal and medical information through its work providing software to school districts subject to liability to these students under the Confidentiality of Medical Information Act (Civ. Code, § 56 et seq.) and the Customer Records Act (Civ. Code, § 1798.80 et seq.) following disclosure of such information through a data breach?

(3) *People v. Mitchell (Sunee Lynn), S277314*

(Bromberg, J., assigned justice pro tempore)

#22-305 People v. Mitchell (Sunee Lynn), 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?

THURSDAY, MARCH 5, 2026 — 9:00 A.M.

(4) *People v. Bankston (Anthony George), [Automatic Appeal], S044739*

(Reargument — Jenkins, J., retired Supreme Court justice, participating)

This matter is an automatic appeal from a judgment of death. The court directed the parties to be prepared to discuss the following questions at reargument: 1. Upon a finding of a violation of Penal Code section 745, subdivision (a)(1) or (2), is the defendant ineligible for the death penalty under Penal Code section 745, subdivision (l) regardless of whether the violation was prejudicial? If so, does Penal Code section 745, subdivision (l) violate either article VI, section 13 of the California Constitution, or the

“Briggs Initiative” (Prop. 7, as approved by voters, Gen. Elec. (Nov. 7, 1978))? 2. Upon a finding of a violation of Penal Code section 745, subdivision (a)(1) or (2), does Penal Code section 745, subdivision (l) categorically render the defendant ineligible for the death penalty in any subsequent retrial? If so, would preclusion of the possibility of retrial on penalty violate either article VI, section 13 of the California Constitution, or the “Briggs Initiative” (Prop. 7, as approved by voters, Gen. Elec. (Nov. 7, 1978))? 3. Is Penal Code section 745, subdivision (l) severable? (See Stats. 2020, ch. 317, § 6.).

(5) *People v. Barrera (Marcos Esquivel), [Automatic Appeal], S103358*

(Reargument — Jenkins, J., retired Supreme Court justice, participating)

This matter is an automatic appeal from a judgment of death. The court directed the parties to be prepared to discuss the following questions at reargument: 1. Upon a finding of a violation of Penal Code section 745, subdivision (a)(1) or (2), is the defendant ineligible for the death penalty under Penal Code section 745, subdivision (l) regardless of whether the violation was prejudicial? If so, does Penal Code section 745, subdivision (l) violate either article VI, section 13 of the California Constitution, or the “Briggs Initiative” (Prop. 7, as approved by voters, Gen. Elec. (Nov. 7, 1978))? 2. Upon a finding of a violation of Penal Code section 745, subdivision (a)(1) or (2), does Penal Code section 745, subdivision (l) categorically render the defendant ineligible for the death penalty in any subsequent retrial? If so, would preclusion of the possibility of retrial on penalty violate either article VI, section 13 of the California Constitution, or the “Briggs Initiative” (Prop. 7, as approved by voters, Gen. Elec. (Nov. 7, 1978))? 3. Is Penal Code section 745, subdivision (l) severable? (See Stats. 2020, ch. 317, § 6.).

(6) *People v. Chhuon (Run Peter) and Pan (Samreth Sam), [Automatic Appeal], S105403*

(Reargument — Jenkins, J., retired Supreme Court justice, participating)

This matter is an automatic appeal from a judgment of death. The court directed the parties to be prepared to discuss the following questions at reargument: 1. Upon a finding of a violation of Penal Code section 745, subdivision (a)(1) or (2), is the defendant ineligible for the death penalty under Penal Code section 745, subdivision (l) regardless of whether the violation was prejudicial? If so, does Penal Code section 745,

subdivision (*l*) violate either article VI, section 13 of the California Constitution, or the “Briggs Initiative” (Prop. 7, as approved by voters, Gen. Elec. (Nov. 7, 1978))? 2. Upon a finding of a violation of Penal Code section 745, subdivision (a)(1) or (2), does Penal Code section 745, subdivision (*l*) categorically render the defendant ineligible for the death penalty in any subsequent retrial? If so, would preclusion of the possibility of retrial on penalty violate either article VI, section 13 of the California Constitution, or the “Briggs Initiative” (Prop. 7, as approved by voters, Gen. Elec. (Nov. 7, 1978))? 3. Is Penal Code section 745, subdivision (*l*) severable? (See Stats. 2020, ch. 317, § 6.).

(7) *People v. Demolle (Alex), [Automatic Appeal], S159120*

(Reargument — Jenkins, J., retired Supreme Court justice, participating)

This matter is an automatic appeal from a judgment of death. The court directed the parties to be prepared to discuss the following questions at reargument: 1. Upon a finding of a violation of Penal Code section 745, subdivision (a)(1) or (2), is the defendant ineligible for the death penalty under Penal Code section 745, subdivision (*l*) regardless of whether the violation was prejudicial? If so, does Penal Code section 745, subdivision (*l*) violate either article VI, section 13 of the California Constitution, or the “Briggs Initiative” (Prop. 7, as approved by voters, Gen. Elec. (Nov. 7, 1978))? 2. Upon a finding of a violation of Penal Code section 745, subdivision (a)(1) or (2), does Penal Code section 745, subdivision (*l*) categorically render the defendant ineligible for the death penalty in any subsequent retrial? If so, would preclusion of the possibility of retrial on penalty violate either article VI, section 13 of the California Constitution, or the “Briggs Initiative” (Prop. 7, as approved by voters, Gen. Elec. (Nov. 7, 1978))? 3. Is Penal Code section 745, subdivision (*l*) severable? (See Stats. 2020, ch. 317, § 6.).