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 2, 2026.]

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. Ball, S292969. (G064274; 114 Cal.App.5th 181; Orange County Superior Court; 20HF0795.) Petition for review after the Court of Appeal reversed an order in a criminal matter and remanded for further proceedings. This case presents the following issue: Does drawing or exhibiting a firearm in a threatening manner in the presence of a motor vehicle occupant (Pen. Code, § 417.3) require proof of both objective and subjective fear, or is proof of objective fear alone sufficient?

Criminal Justice Legal Foundation v. Department of Corrections & Rehabilitation, S292887. (C100274; 113 Cal.App.5th 26; Sacramento County Superior Court; 34-2022-80003807-CU-WM-GDS.) Petition for review after the Court of Appeal modified and affirmed the judgment in an action for writ of administrative mandate and other relief and remanded with directions. The court limited review to the following issue: Does Proposition 57 authorize the California Department of Corrections and Rehabilitation to award and apply earned credits to advance indeterminately sentenced persons' minimum eligible parole dates?

People v. Dixon, S292223. (B335987; 112 Cal.App.5th 236; Los Angeles County Superior Court; KA069348.) Petition for review after the Court of Appeal reversed a post-judgment order in a criminal matter and remanded for resentencing. This case presents the following issues: (1) May a superior court modify a death judgment under the recall and resentencing procedure in Penal Code section 1172.75? (2) Did the Court of Appeal err in holding that the exclusivity provision of Penal Code section 1509 precludes modification of a death judgment under Penal Code section 1172.75? (3) Did the superior court have jurisdiction to resentence defendant pursuant to Penal Code section 1172.75 when his appeal was pending before this court?

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. Flowers, S293388. (B312522; nonpublished opinion; San Luis Obispo County Superior Court; 20F-02462.) Petition for review after the Court of Appeal affirmed a judgment of conviction of a criminal offense. The court limited review to the following issue: Did the Court of Appeal err by declining to remand for resentencing under the amended Penal Code section 1170, subdivision (b)? (See *People v. Wiley* (2025) 17 Cal.5th 1069; *People v. Lynch* (2024) 16 Cal.5th 730; *People v. Salazar* (2023) 15 Cal.5th 416; *People v. Gutierrez* (2014) 58 Cal.4th 1354.)

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?

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. Lant, S294875. (C101318; nonpublished opinion; Siskiyou County Superior Court; SCCR-CRF-2018-1446-2.) Petition for review after the Court of Appeal affirmed a judgment of conviction of criminal offenses. The court limited review to the following issues: (1) Did the trial court err under *People v. Arbuckle* (1978) 22 Cal.3d 749 by denying defendant's motion to withdraw his plea where the judge who accepted his plea was not available to impose sentence due to matters beyond the trial court's control? (2) Did the Court of Appeal err by holding that, because defendant failed to appear at certain hearings, defendant bore the risk that the judge who accepted his plea would become unavailable for sentencing and therefore defendant could not rely on the judge's unavailability to seek to withdraw his plea?

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. Mares, S294132. (B330834; nonpublished opinion; Los Angeles County Superior Court; BA109979.) Petition for review after the Court of Appeal affirmed in part and reversed in part an order denying a post-judgment motion in a criminal matter and remanded for further proceedings. This case presents the following issue: Did substantial evidence support the trial court's finding in resentencing proceedings under Penal Code section 1172.6 that defendant, who led police on a high-speed chase with an armed passenger, intended to kill the pursuing police officers and was therefore liable for their attempted murders as an aider and abettor?

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 issues: (1) 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? (2) Is Vehicle Code section 23153 a necessarily included offense of Penal Code section 191.5, subdivision (b) for purposes of the rule that multiple convictions may not be based on necessarily included offenses when the offenses arise from a single act?

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. Orozco, S293587. (B329413; 114 Cal.App.5th 343, mod. 114 Cal.App.5th 844a; Los Angeles County Superior Court; VA150179.) 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 further proceedings. The court limited review to the following issue: Is defendant's indeterminate sentence for attempted murder unauthorized under Penal Code section 664, subdivision (a) because the prosecutor did not allege in the information that the attempted murder was willful, deliberate, and premeditated?

People v. Pineda, S296909. (B343654; 120 Cal.App.5th 369; Los Angeles County Superior Court; TA128998.) 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 err by finding that an officer's preliminary hearing testimony recounting a codefendant's statements was admissible at a Penal Code section 1172.6 evidentiary hearing under the declarations against interest exception to the hearsay rule (Evid. Code, § 1230)?

People v. Player, S296683. (B342239; 119 Cal.App.5th 931; Los Angeles County Superior Court; A900447.) 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: Is a trial court precluded from finding that a defendant was the actual killer in a Penal Code section 1172.6 resentencing proceeding where the jury found not true a personal firearm use enhancement and a robbery-murder special circumstance?

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?

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?

United States v. Soto, S294703. (9th Cir. Nos. 23-4072, 24-3903; 163 F.4th 1249; Central District of California; D.C. Nos. 5:22-cr-00021-RGK-1, 2:23-cr-00391-JAK-1.) Request under California Rules of Court, rule 8.548, that this court decide a question of California law presented in a matter pending in the United States Court of Appeals for the Ninth Circuit. The question presented is: When a defendant is charged with possession of a listed controlled substance under California Health and Safety Code section 11378, must the state prove, and must the jury unanimously agree, that the defendant possessed the actual listed controlled substance, and not an analog of that substance as defined under California Health and Safety Code section 11401? Or may the jury convict if it finds the state has proven the defendant possessed *either* the actual controlled substance *or* an analog of that substance, without unanimous agreement as to which?

Turcios v. Superior Court, S295195. (B343717; nonpublished opinion; Los Angeles County Superior Court; 24CAPR05114.) Petition for review after the Court of Appeal denied a petition for writ of mandate. This case presents the following issue: Is conducting a bail review hearing in post-release community supervision revocation proceedings one of the "subordinate judicial duties" (Cal. Const., art. VI, § 22) that a court commissioner is permitted to perform without a stipulation by the parties?

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.)