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Supreme Court of California
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IN THE SUPREME COURT OF THE STATE OF CALIFORNIA

PEOPLE OF THE STATE OF CALIFORNIA,

Plaintiff/Appellant,

v.

JASON ROBERT HYATT,

Defendant/Respondent.

Case No. S290426

(DCA Case No. G063126

(Orange County Superior Court Case No. 19NF3055)

REPLY BRIEF ON THE MERITS

Following the Published Decision of the
California Court of Appeal
Fourth Appellate District, Division Three,
Affirming the Judgment of
The Honorable Justin Glenn-Leistikow, Judge Presiding

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IN THE SUPREME COURT OF THE STATE OF CALIFORNIA

PEOPLE OF THE STATE OF CALIFORNIA, Plaintiff/Appellant, v. JASON ROBERT HYATT, Defendant/Respondent.	Case No. S290426 (DCA Case No. G063126 (Orange County Superior Court Case No. 19NF3055)

To the Honorable Patricia Guerrero, Chief Justice and the Associate Justices of the California Supreme Court:[1]

I. THE MAGISTRATE DISMISSED A FELONY CASE OVER WHICH THE COURT OF APPEAL HAD JURISDICTION.

A. For purposes of appellate jurisdiction under Penal Code section 1235, a felony case begins with the filing of a felony complaint.

A felony case, within the meaning of Penal Code section 1235, is defined in the legislative history in terms of Penal Code section 691, subdivision (f). As stated in the Law Revision Commission Comments,

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[1] The People submit this Reply to address certain points in response to defendant's Answer, but it does not address every single point raised in the Answer. We do not thereby concede those points, but, to avoid unnecessary repetition, rely on our treatment of those subjects as reflected in the Opening Brief.

> Section 1235 is amended to accommodate unification of the municipal and superior courts in a county. Cal. Const. art. VI, § 5(e). See also Section 691(f) ("felony case" defined).
>
> Subdivision (b) continues former Section 1466(b). Appeals in felony cases lie to the court of appeal, regardless of whether the appeal is from the superior court, the municipal court, ***or the action of a magistrate***. Cf. Cal. Const. art. VI, § 11(a) (court of appeal appellate jurisdiction when superior courts have original jurisdiction and in other causes provided by statute).

(Trial Court Unification: Revision of Codes (July 1998) 28 Cal. Law Revision Com. Rep. (1998), 455-456, emphasis added.)

In relevant portion, Penal Code section 691, subdivision (f), defines "felony case" as "a criminal ***action*** in which a felony is charged ...." (Pen. Code, § 691, subd. (f), emphasis added.) Additionally, Penal Code section 691, subdivision (c) was

> [R]evised to delete the specification of courts in which a complaint is filed. For definitional purposes, it is sufficient to identify a "complaint" as a type of accusatory pleading.

(Trial Court Unification: Revision of Codes (July 1998) 28 Cal. Law Revision Com. Rep. (1998), 406.)

What, then, is an action? "An action is an ordinary proceeding in a court of justice by which one party prosecutes another for the declaration, enforcement, or protection of a right, the redress or prevention of a wrong, or the punishment of a public offense." (Code Civ. Proc., § 22.) The next logical question in our context, then, is by what means does a felony prosecution commence?

The clearest answer to this question is contained within Penal Code section 804. In relevant portion, Penal Code section 804 states, "Except as otherwise provided in this chapter, for the purpose of this chapter, prosecution for an offense is commenced when any of the following occurs: ... (c) The defendant is arraigned on a complaint that charges the defendant with a felony." (Pen. Code, § 804, subd. (c).)

The legislative history of Penal Code section 804 makes this point particularly clear. An earlier iteration of Penal Code section 804 did not include arraignment on a felony complaint as one of the means by which prosecution for an offense is commenced. (Former Pen. Code, § 804 (1984) as added by Stats. 1984, ch. 1270, § 2.) Instead, prosecution for a felony was commenced

through filing of an information or indictment, certification to the superior court, or the issuing of an arrest warrant. (Former Pen. Code, § 804 (1984) as added by Stats. 1984, ch. 1270, § 2.) Then came *People v. Johnson* (2006) 145 Cal.App.4th 895. There, the court, analyzing an earlier iteration of Penal Code section 804, held, "A felony prosecution is not 'commenced' for purposes of the statute of limitations upon the mere filing of a felony complaint. [Citations.]" (*People v. Johnson*, *supra*, 145 Cal.App.4th 895, 900.)

After *Johnson*, the Legislature amended Penal Code section 804 to its current iteration. The amendment ***removed*** any reference to a case being certified to superior court. Instead, the current version provides that a criminal prosecution is commenced, among other avenues, when "The defendant is arraigned on a complaint that charges the defendant with a felony." (Pen. Code, § 804, subd. (c); see also Stats. 2008, ch. 110, § 1.)

Case law further supports this definition. Examining a typical complaint filed by a California prosecutor, one case held,

> Surely such a pleading is a "formal charge[ ]" [Citation] in any conceivable sense of that term. Indeed, a complaint is defined by statute (§ 691, subd. (c)) as an " 'accusatory pleading' "—a phrase synonymous, for all practical purposes, with "formal charge." On its face the complaint marks the initiation of "formal prosecutorial proceedings." [Citation.]

(*People v. Viray* (2005) 134 Cal.App.4th 1186, 1196, fn. omitted, modification in original.) And in another case, "A felony prosecution [may be] commenced by the filing of a complaint[.]" (*Lempert v. Superior Court* (2003) 112 Cal.App.4th 1161, 1168.)[2] Even prior to unification, "The filing of a felony complaint in California start[ed] the criminal proceeding." (*People v. Reese* (1981) 121 Cal.App.3d 606, 611.) With the filing of a criminal complaint there attaches to the accused all the rights pertaining

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[2] Contrary to defendant's claim, *Lempert*'s reference to "felony case" only after the filing of an Information does not support defendant's position. In *Lempert*, the court was merely paraphrasing Penal Code section 949, which does not proclaim when a felony case, as a technical term, within the meaning of Penal Code section 691 begins. Rather, it merely states that "the information is considered the first pleading filed by the People in a felony case in ***the superior court***. (§ 949.)" (*Lempert v. Superior Court*, *supra*, 112 Cal.App.4th 1161, 1169, emphasis added.)

to a criminal defendant. To conclude the filing of a criminal complaint does not initiate a felony case for purposes of appellate court jurisdiction would, thus, lead to absurd results. We discuss these below.

Thus, when Penal Code section 691 states that a felony case is "a criminal action in which a felony is charged[,]" it broadly refers to "an ordinary proceeding ... by which one party prosecutes another ...." (Pen. Code, § 691, subd. (f); Code Civ. Proc., § 22.) Likewise, Penal Code section 683 states, "The proceeding by which a party charged with a public offense is accused and brought to trial and punishment, is known as a criminal action." (Pen. Code, § 683.) That ordinary proceeding by which the People prosecute a defendant for a felony, i.e., a felony prosecution, is commenced by the filing of a felony complaint and arraignment thereon.

Thus, based on the plain meaning of Penal Code section 691 and the relevant statutory landscape as a whole, a felony case in our context, defined as a criminal action charging felonies, becomes synonymous with the commencement of a felony prosecution, i.e., with the filing of the felony complaint.

Defendant's reliance on Penal Code section 949 is misplaced because that provision does not attempt to define "felony case" generally or for all purposes, but only in terms of pleading in superior court. More accurately, it does not even purport to define the phrase; it merely assumes it as a condition precedent. Penal Code section 949 merely identifies "The first pleading on the part of the people ***in the superior court*** in a felony case is the indictment, information, or the complaint in any case certified to the superior court under Section 859a." (Pen. Code, § 949, emphasis added.)

For the same reason, defendant's reliance on California Rules of Court, rule 8.304 is also misplaced. Like Penal Code section 949, California Rules of Court, rule 8.304 does not define "felony case" generally or for all purposes. It simply lays out the procedure "(1) To appeal from a judgment or an appealable order ***of the superior court*** in a felony case ...." (Cal. Rules of Court, rule 8.304(a)(1), emphasis added.) It then only defines the term "felony case" "As used in (1) ...." (Cal. Rules of Court, rule 8.304(a)(2).)

As explained below, the distinction between the jurisdiction of a magistrate and the jurisdiction of the superior court was not entirely eradicated by trial unification for all purposes. It still has its place. Neither we nor the Court of Appeal suggest otherwise. However, in determining when a felony case begins for purposes of appellate jurisdiction it is necessary to acknowledge trial court unification resulted in a change of paradigm — appellate court jurisdiction would now be a function of type of case as opposed to originating court. The decision of the Court of Appeal recognizing its appellate jurisdiction in this case, then, preserves the continuing distinction between the jurisdiction of magistrate and superior court while at the same time recognizing that its appellate jurisdiction proceeds from a different source, i.e., the type of case.

B. The legislative history shows that trial court unification contemplated an expansion of appellate court jurisdiction to address the actions of a magistrate.

The Answer claims "The California Law Revision Commission's comment was not intended to expand appellate procedures." (Reply Brief, 39.) *Nickerson*, in its summary of the Trial Court Unification: Revision of Codes (July 1998) 28 Cal. Law Revision Com. Rep. (1998), makes the same error. The Court in *Nickerson* concluded, "Thus, the law clarified that trial court unification–and the resulting elimination of the municipal court–did not change the court to which cases were to be appealed." (*People v. Nickerson* (2005) 128 Cal.App.4th 33, 38.) However, this conclusion is incorrect as noted in *People v. Rodriguez* (2013) 217 Cal.App.4th 326 and is far too broad. While unification sought generally to preserve procedures as they existed, it recognized there would be some statutory expansion of Court of Appeal jurisdiction.

The full language of the commission report makes clear that unification would expand the jurisdiction of the Court of Appeal, and not merely preserve the existing jurisdictional

structures.

Appellate Jurisdiction of Court of Appeal

> SCA 4 provides that the courts of appeal have appellate jurisdiction when superior courts have original jurisdiction "in causes of a type within the appellate jurisdiction of the courts of appeal on June 30, 1995" and in other causes prescribed by statute. The effect of this provision is to perpetuate court of appeal jurisdiction as it existed on June 30, 1995, ***but allow for statutory expansion of court of appeal jurisdiction.***

(Trial Court Unification: Revision of Codes (July 1998) 28 Cal. Law Revision Com. Rep. (1998), 73, emphasis added.)

Nickerson quotes the first lines of the above passage, but fails completely to mention the last line noting that unification would "allow for statutory expansion of court of appeal jurisdiction." The Answer has likewise omitted the totality of the comment. When unification was proposed, the Legislature both knew and intended that jurisdiction of the Court of Appeal would expand beyond what existed on June 30, 1995. This included, as discussed above, that the Court of Appeal would now have jurisdiction over appeals from "the action of a magistrate." (Trial Court Unification: Revision of Codes (July 1998) 28 Cal. Law Revision Com. Rep. (1998), 455-456.) This demonstrates that for

appellate purposes, a felony case does not begin with a superior court filing, contrary to *Nickerson*'s conclusion.

C. Defendant's reliance on *People v. Henson*, is misplaced because appellate court jurisdiction is now a function of the type of case rather than on the originating court.

Defendant's misplaced reliance on *People v. Henson* (2022) 13 Cal.5th 574 serves to illustrate why defendant's approach to appellate jurisdiction remains locked within the now defunct paradigm in which appellate jurisdiction was a function of court rather than type of case. While *Henson*, a recent case, contains a discussion preserving the difference between the jurisdiction of a magistrate as distinct from the jurisdiction of the superior court, its discussion is limited to the applicability of that distinction to the interpretation of Penal Code section 954. ***Henson does not relate to appellate court jurisdiction***.

The issue in *Henson* was whether the prosecution could join, under Penal Code section 954, counts which originated from two separate complaints and two separate preliminary hearings in an information filed before the superior court. In relevant portion, Penal Code section 954 states,

> An accusatory pleading may charge two or more different offenses connected together in their commission, or different statements of the same offense or two or more different offenses of the same class of crimes or offenses, under separate counts, and if two or more accusatory pleadings are filed in such cases ***in the same court***, the court may order them to be consolidated.

(Pen. Code, § 954, emphasis added.) The prosecutor took the position that, although the two offenses arose from two separate preliminary hearings, when the Information was filed combining both offenses, that was the only accusatory pleading filed in the superior court. Thus, the prosecutor did not need leave of court to do so because it was not attempting to consolidate two separate accusatory pleadings filed in the same court.

This Court agreed with the prosecutor's approach reasoning that, even after trial court unification, a complaint filed before a magistrate was an accusatory pleading filed before a different tribunal than an Information filed in the superior court. Thus, the prosecutor could join related offenses for the first time when filing the information without leave of court because it was not attempting to consolidate two separate accusatory pleadings filed in the same court.

However, with respect to appellate court jurisdiction, trial court unification eliminated any reference to the originating court or tribunal. As explained in our Opening Brief, trial court unification made appellate court jurisdiction a function not of originating court, but of type of case. None of the relevant statutes, as amended to account for trial court unification, contain any reference to the court or tribunal of origination. Specifically as it relates to Penal Code section 1235, the Law Revision Commission Report states,

> Section 1235 is amended to accommodate unification of the municipal and superior courts in a county. Cal. Const. art. VI, § 5(e). See also Section 691(f) ("felony case" defined).
>
> Subdivision (b) continues former Section 1466(b). ***Appeals in felony cases lie to the court of appeal, regardless of whether the appeal is from the superior court, the municipal court, or the action of a magistrate***. Cf. Cal. Const. art. VI, §11(a) (court of appeal appellate jurisdiction when superior courts have original jurisdiction and in other causes provided by statute).

(Trial Court Unification: Revision of Codes (July 1998) 28 Cal. Law Revision Com. Rep. (1998), 455-456, emphasis added.)

As explained above, this was an expansion of appellate court jurisdiction and directly addressed the limitations of *Mimms* and its conclusion that Penal Code section 871.5 was the exclusive means by which the People could seek review of the action of a magistrate. Under *Mimms*, the People could ***never*** seek review of the action of a magistrate through the Court of Appeal because former Penal Code section 1466, subdivision (b) stated, "An appeal from the judgment or appealable order of ***an inferior court*** in a felony case is to the court of appeal for the district in which the court is located." (Former Pen. Code, § 1466, subd. (b) (1992) as added by Stats. 1992, ch. 78, § 2, emphasis added.) The Court in *Mimms* appeared to agree with various cases that held a magistrate was not equivalent to an "inferior court" because "The position of magistrate is an office created by statute, separate and apart from the court, and the authority of a magistrate is likewise provided by statute." (*People v. Mimms* (1998) 204 Cal.App.3d 471, 480.)

Thus, when the Legislature, through trial court unification, stated that appeals in felony cases now lie to the Court of Appeal regardless of whether the appeal is from the superior court, the

municipal court, ***or the action of a magistrate***, it explicitly expanded the jurisdiction of the Court of Appeal beyond what existed prior to unification and because of which Penal Code section 871.5 was enacted in the first place. Only now, Penal Code section 871.5 is no longer the exclusive means of challenging the action of a magistrate, while it certainly remains an option.[3] In short, trial court unification has expanded the jurisdiction of the Court of Appeal to include appeals from the action of a magistrate.

D. Defendant's interpretation leads to inconsistent and absurd results.

Defendant's claim that a "felony case" must still be defined, effectively, in terms of originating court not only would render trial court unification moot, but would lead to other absurd results including significant inconsistency in criminal jurisprudence.

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[3] A prosecutor's election to proceed with Penal Code section 871.5 has its benefits and risks. While certainly more expeditious than an appeal, "If the motion is litigated to decision by the prosecutor, the prosecution is prohibited from refiling the dismissed action, or portion thereof." (Pen. Code, § 871.5, subd. (c).) Thus, it is not equivalent to an appeal, which would leave open the possibility of refiling the case.

First, defendant's claim undermines the well-established principles of Sixth Amendment jurisprudence. In California, a criminal defendant is entitled to counsel as soon as a felony complaint is filed. "[T]he typical California criminal prosecution commences, for purposes of the rule of *Massiah*, no later than the point at which the prosecutor files a criminal complaint." (*People v. Viray*, *supra*, 134 Cal.App.4th 1186, 1195.) The court in *Viray*, examining a typical felony complaint filed by a California prosecutor, stated,

> Surely such a pleading is a "formal charge[ ]" [Citation] in any conceivable sense of that term. Indeed, a complaint is defined by statute (§ 691, subd. (c)) as an " 'accusatory pleading' "—a phrase synonymous, for all practical purposes, with "formal charge." On its face the complaint marks the initiation of "formal prosecutorial proceedings." [Citation.]

(*People v. Viray*, *supra*, 134 Cal.App.4th 1186, 1196, fn. omitted, modification in original.) The court further explained,

> "The initiation of judicial criminal proceedings," the court elaborated, "is far from a mere formalism. It is the starting point of our whole system of adversary criminal justice. For it is only then that the *government has committed itself to prosecute*, and only then that the *adverse positions of government and defendant have solidified*. It is then that a *defendant finds himself faced with the prosecutorial*

> *forces* of organized society, and immersed in the intricacies of substantive and procedural criminal law. It is this point, therefore, that marks the commencement of the 'criminal prosecutions' to which alone the explicit guarantees of the Sixth Amendment are applicable. [Citations.]" [Citations.]

(*People v. Viray*, *supra*, 134 Cal.App.4th 1186, 1195, emphasis in original.)

Thus, in light of the great significance with which California courts view the gravity of the filing of a criminal complaint, it becomes entirely inconsistent and absurd to claim that, for purposes of appellate jurisdiction, that same defendant is not facing a felony case. To the contrary. The discussion in *Viray*, together with the statutory definitions above, show that defendant, here, was formally charged, in a criminal action, with a felony which was then dismissed by the magistrate. If defendant was facing a felony charge for purposes of the Sixth Amendment, then the same is true for purposes of appellate jurisdiction.

Defendant's claim would also lead to absurd results in relation to Penal Code section 1387. In relevant portion, "An order terminating ***an action*** pursuant to this chapter, or Section 859b, 861, 871, or 995, is a bar to any other prosecution for the same offense if it is a felony ...." (Pen. Code, § 1387, subd. (a), emphasis added.) Defendant's claim is that his case was not a felony action (because a felony case is defined as a criminal action in which a felony is charged). If he is right, then Penal Code section 1387, which only applies to "actions," would not apply to his case. That means the prohibition against successive refiling does not apply to his case. If it is not an "action," the prosecution would not be subject to the limitation of Penal Code section 1387 and, thus, could file and re-file successive complaints with impunity.

Finally, defendant claims the complaint referred to in Penal Code section 1238, subdivision (a)(1) "can only be a complaint that has been certified pursuant to section 859a after a guilty or no contest plea." (Answer, 33.) This, too, does not make sense in the context of a statute granting the People the right to appeal. We fail to envision a scenario where the People would appeal

from a guilty or no contest plea. Plainly, the Legislature meant what it said in Penal Code section 1238, subdivision (a)(1), when referring to the People's right to appeal from the ***dismissal*** of a felony complaint, with no qualifiers.

Accordingly, this Court should find the magistrate, here, dismissed a felony case over which the Court of Appeal had jurisdiction.

II. THE PHYSICAL PRESENCE REQUIREMENT OF PENAL CODE SECTION 1381 IS COMPELLED BY ITS PLAIN LANGUAGE, DECADES OF PRECEDENT AND CRIMINAL PRACTICE, THE LEGISLATIVE HISTORY, AND GENERAL RULES RELATED TO FELONY SENTENCING.

A. *Clark* and *Gutierrez* were well reasoned and recognized the delicate balance between a defendant's right to a speedy trial and the People's right to be able to bring him to trial.

Both *People v. Clark* (1985) 172 Cal.App.3d 975 and *People v. Gutierrez* (1994) 30 Cal.App.4th 105 recognized that the physical presence requirement, which was evident in the plain language of Penal Code section 1381, was necessary to preserve the delicate balance between a defendant's right to a speedy trial and the People's right to bring him to trial within the allotted

time. Even the majority opinion acknowledged as much:

> Because failure to comply with section 1381 results in "the drastic sanction of dismissal" [citation], courts have required defendants to comply strictly with statutory requirements. [Citations.] "Any other rule would encourage resort to half-hearted, disingenuous gestures toward compliance calculated at most to start the 90-day period running and contrived in fact to achieve official default." [Citation.]

(*People v. Garcia* (1985) 171 Cal.App.3d 1187, 1191, fn. omitted; cited in *People v. Hyatt* (2025) 109 Cal.App.5th 735, 743.)

The majority's approach, however, threatens that balance and ensures ***not*** the possibility that a defendant might be eligible for concurrent sentences, which presupposes a conviction, but that his case will be altogether dismissed. Thus, the majority's approach runs contrary to the very legislative intent it recognizes. As stated in the dissent,

> The strict construction of section 1381's statutory requirement the defendant be physically located "in a state prison" addresses the logistical problems presented in physically locating the defendant, for the purpose of speedily bringing pending charges to trial, when the defendant is still in the post-sentencing process of being transferred between institutions, such as from a county jail to a state prison where the defendant is ultimately settled to serve out the term of imprisonment imposed. (*Clark, supra*, 172 Cal.App.3d at pp. 980-981, 218

> Cal.Rptr. 481; see *Gutierrez, supra*, 30 Cal.App.4th at p. 111, 35 Cal.Rptr.2d 526 ["Here, too, the trial court noted the difficulty of tracking appellant when appellant's [section 1381] demand gave only the Orange County [jail] address and identification"].)
>
> Perhaps it is this practicality of strictly enforcing the "in a state prison" requirement of section 1381 that explains why it has not been the subject of conflicting court decisions (until now) and has otherwise been a settled aspect of criminal procedure. (See Cal. Criminal Law: Procedure and Practice (Cont.Ed.Bar 2024) § 19.33, pp. 527-528 [citing *Gutierrez* and *Clark*, explains that under § 1381: "A defendant serving a term in a California state prison ..., with other criminal charges pending in California, can demand that the new charge be brought to trial within 90 calendar days after delivery of demand on the district attorney for the county in which the matter is pending. [Citation.] The defendant must *physically* be ... in prison on the prison sentence"], italics added.)

(*People v. Hyatt*, *supra*, 109 Cal.App.5th 735, 750-751 (dis. opn. of Motoike, J.), emphasis in original.)

Following the majority opinion, the Answer suggests *Clark* and *Gutierrez* did not analyze the meaning of the statutory language in the context of the statute as a whole and did not analyze the legislative history. (Answer Brief, 57.) As explained in our Opening Brief, there was no legal basis for the court in *Clark* or *Gutierrez* to engage in an analysis of statutory

construction or other indicia of legislative intent. The court in those cases was confronted with a statute the meaning of which was plain on its face. It is well established, "When the words are clear and unambiguous, there is no need for statutory construction or resort to other indicia of legislative intent, such as legislative history." (*Quaterman v. Kefauver* (1997) 55 Cal.App.4th 1366, 1371 citing (*California Federal Savings and Loan Association v. City of Los Angeles* (1995) 11 Cal.4th 342, 349.)

Accordingly, this Court should find that *Clark* and *Gutierrez* were properly decided.

B. The distinction in treatment between those committed to state prison and those to county jail ***supports*** the physical presence requirement and does not result in unfair treatment.

Defendant claims, without authority, that the difference in treatment created by the majority opinion between those committed to state prison and those to county jail is justified because it could take longer for those in state prison to arrive and send a Penal Code section 1381 demand. There is no support in the record for this position. To the contrary. The requirement that

a defendant committed to and placed in county jail as a condition of probation must be in custody ***for a period of more than 90 days*** in order to file a Penal Code section 1381 demand demonstrates the Legislature's intent to allow prosecutors to know exactly where the defendant is and to know that he will be there for enough time such that prosecutors are able to successfully bring him to trial within the allotted period of time. A defendant who is in county jail for 89 days will not be entitled to file a Penal Code section 1381 demand despite the general legislative intent to provide for the possibility of concurrent sentences. State prison commitments are longer than 90 days as a rule, so there was no need to include that requirement when referring to those who have been sentenced to and entered upon a term of imprisonment. However, a defendant awaiting transportation to state prison may very well be in county jail for less than 90 days before being transported to state prison, which would not allow prosecutors sufficient time to ensure they can bring defendant to trial within the allotted period.

C. The existence of tolling procedures should be the exception, not the rule.

Defendant next claims that "Any logistical ripples are easily resolved by the normal processes in which county jails and prison facilities have long resolved various holds, detainers, and warrants[,]" in addition to the application of tolling provisions. (Answer Brief, 60) This approach makes the exception into the rule and is bound to result in inconsistent, unfair applications of the law and conflicting court orders.

Prior to the majority's opinion, there was no conflict between Penal Code section 1381 and other statutes. Now, conflict is built in. (See Opening Brief, 37-40.) Such an approach is unsound and unfair because it obfuscates the rule and relies on exceptions. Neither defendants, attorneys, courts, jails, prisons, prosecutors, or other key players in the criminal justice system will have accurate guidance from the beginning. To reiterate, the majority opinion disrupts the delicate balance already present within the felony sentencing system.

D. Penal Code section 2900 defines what it means for a defendant to have entered upon a term of imprisonment.

Relying on *People v. Gonzalez* (2019) 39 Cal.App.5th 115, defendant claims that Penal Code section 2900, subdivision (a) does not inform the terminology of Penal Code section 1381. This is incorrect. *Gonzalez* was not interpreting the phrase, "entered upon a term of imprisonment." Rather, the court in *Gonzalez* was interpreting the phrase "any other sentence that the defendant is already serving" as reflected in Penal Code section 667, subdivision (c)(8). (*People v. Gonzalez*, *supra*, 39 Cal.App.5th 115, 122.) Penal Code section 2900, subdivision (a) was simply irrelevant to the issue before the court in *Gonzalez.*

Second, *Gonzalez* was simply not correct when it stated Penal Code section 2900 "is in a chapter regarding custody credits." (*People v. Gonzalez*, *supra*, 39 Cal.App.5th 115, 122.) Penal Code section 2900 certainly contains provision related to custody credits. However, the section is in a chapter entitled "Execution of Sentences of Imprisonment" and in an Article entitled "Commencement of Term." Penal Code section 2900, subdivision (a), specifically states "The term of imprisonment ...

commences to run only upon the actual delivery of the defendant into the custody of the Director of Corrections at the place designated by the Director of Corrections as a place for the reception of person convicted of felonies." (Pen. Code, § 2900, subd. (a).)

As this Court has long recognized, Penal Code section 2900, subdivision (a) "defines when a term of imprisonment begins[.]" (*People v. Tenner* (1993) 6 Cal.4th 559, 566.) In *People v. Buckhalter* (2001) 26 Cal.4th 20, this Court provided a comprehensive "overview of the felony sentencing system[.]" (*People v. Buckhalter*, *supra*, 26 Cal.4th 20, 30.) This Court explained, in relevant part,

> A judgment of imprisonment must direct that the defendant be delivered to the Director's custody at a designated state prison. (§ 1202a.) ***Upon receipt of a certified abstract of the judgment, the sheriff must deliver the defendant to prison authorities. (§ 1216.) Once so delivered, the defendant "shall be imprisoned until duly released according to law." (§ 2901.) Service of the sentence commences upon such delivery (§ 2900, subd. (a))***, and time thereafter served in an institution designated by the Director "shall be credited as service of the term of imprisonment" (id., subd. (c)). The agency to which the defendant is committed, not the trial court, has the responsibility to calculate and apply any custody credits that have

> accrued between the imposition of sentence and physical delivery of the defendant to the agency. (§ 2900.5, subd. (e).)
>
> ***Once a person begins serving his prison sentence***, he is governed by an entirely distinct and exclusive scheme for earning credits to shorten the period of incarceration.

(*People v. Buckhalter*, *supra*, 26 Cal.4th 20, 30-31, emphasis added.)

Accordingly, this Court should find that Penal Code section 2900, subdivision (a) informs the terminology used in Penal Code section 1381.

CONCLUSION

As it relates to the merits of the appeal, this Court should find Penal Code section 1381 strictly requires defendants sentenced to state prison to have physically arrived therein before filing a demand for trial under that section, thus overturning the judgment of the Court of Appeal as pronounced in its majority opinion. As it relates to the issue of appealability, this Court should find appellate jurisdiction properly lies to the Court of Appeal from a magistrate's dismissal of a felony complaint, thus affirming the denial of defendant's motion to dismiss by the Court of Appeal as pronounced in the unanimous, unpublished portion of its opinion.

Dated this 30th day of October, 2025.

Respectfully submitted,

Todd Spitzer, District Attorney
County of Orange, State of California

By: /s/ *Mina Said*
Mina Said
Deputy District Attorney

CERTIFICATE OF WORD COUNT

[California Rules of Court, rule 8.520(c)]

The text of Reply Brief on the Merits consists of 5,157 words as counted by the word-processing program used to generate this brief.

Dated this 30th day of October, 2025.

Respectfully submitted,

Todd Spitzer, District Attorney
County of Orange, State of California

By: /s/ *Mina Said*
Mina Said
Deputy District Attorney

PROOF OF SERVICE BY MAIL

STATE OF CALIFORNIA)
)
COUNTY OF ORANGE)

RE: *People v. Jason Robert Hyatt*
Case No. S290426
(DCA Case No. G063126;
Orange County Superior Court Case No. 19NF3055)

I am a citizen of the United States; I am over the age of 18 years and not a party to the within entitled action; my business address is: Office of the District Attorney, County of Orange, 300 North Flower Street, Santa Ana, CA 92703.

On October 30, 2025, I served the REPLY BRIEF ON THE MERITS on the interested parties in said action by placing a true copy thereof enclosed in a sealed envelope, in the United States mail at Santa Ana, California, that same day, in the ordinary course of business, postage thereon fully prepaid, addressed as follows:

Orange County Superior Court
Central Justice Center
Attn: Hon. Justin Glenn-Leistikow
Dept. C-50
700 Civic Center Drive West
Santa Ana, CA 92701
(657) 622-5250

I declare under penalty of perjury that the foregoing is true and correct.

Executed on October 30, 2025, at Santa Ana, California.

/s/*Victoria Carlos*
Victoria Carlos
Attorney Clerk II

PROOF OF ELECTRONIC SERVICE

STATE OF CALIFORNIA)
)
COUNTY OF ORANGE)

RE: *People v. Jason Robert Hyatt*
Case No. S290426
(DCA Case No. G063126;
Orange County Superior Court Case No. 19NF3055)

I am a citizen of the United States; I am over the age of 18 years and not a party to the within entitled action; my electronic service address is: appellate@ocdapa.org; my business address is: Office of the District Attorney, County of Orange, 300 North Flower Street, Santa Ana, CA 92703.

On October 30, 2025, I served the REPLY BRIEF ON THE MERITS on the interested party listed below. I caused a true electronic copy of said document to be E-Filed with the court, via TrueFiling, at the following address:

District Court of Appeal
Fourth Appellate District, Division Three
601 W. Santa Ana Blvd.
Santa Ana, CA 92701
http://www.courts.ca.gov/4dca-efile.htm

I declare under penalty of perjury that the foregoing is true and correct.

Executed on October 30, 2025, at Santa Ana, California.

/s/*Victoria Carlos*
Victoria Carlos
Attorney Clerk II

PROOF OF ELECTRONIC SERVICE

STATE OF CALIFORNIA)
)
COUNTY OF ORANGE)

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On October 30, 2025, I electronically served the REPLY BRIEF ON THE MERITS on the interested parties in said action by transmitting a true copy via electronic mail as follows:

Appellate Defender's Inc.
eservice-court@adi-sandiego.com

I declare under penalty of perjury that the foregoing is true and correct.

Executed on October 30, 2025, at Santa Ana, California.

/s/*Victoria Carlos*
Victoria Carlos
Attorney Clerk II

Supreme Court of California
Jorge E. Navarrete, Clerk and Executive Officer of the Court
Electronically FILED on 10/30/2025 by Karissa Castro, Deputy Clerk

STATE OF CALIFORNIA
Supreme Court of California

PROOF OF SERVICE

STATE OF CALIFORNIA
Supreme Court of California

Case Name: **PEOPLE v. HYATT**
Case Number: **S290426**
Lower Court Case Number: **G063126**

1. At the time of service I was at least 18 years of age and not a party to this legal action.

2. My email address used to e-serve: **mina.said@ocdapa.org**

3. I served by email a copy of the following document(s) indicated below:

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I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

10/30/2025
Date

/s/Victoria Carlos
Signature

Said, Mina (298918)
Last Name, First Name (PNum)

Orange County District Attorney's Office
Law Firm