



Supreme Court of California  
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**NEWS RELEASE**

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**FOR IMMEDIATE RELEASE**

May 15, 2026

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## Summary of Cases Accepted and Related Actions During Week of May 11, 2026

*[This news release is issued to inform the public and the press of cases that the Supreme Court has accepted and of their general subject matter. The statement of the issue or issues in each case set out below does not necessarily reflect the view of the court, or define the specific issues that will be addressed by the court.]*

**#26-77 *Cervantes v. Bianco*, S295866. Original proceeding.** The court issued an order to show cause why the relief sought in the petition should not be granted. This case presents the following issue: Are petitioners entitled to writ relief directing that cast ballots be returned to the county registrar of voters, on the ground that their seizure by law enforcement pursuant to search warrants violated the Elections Code?

**#26-78 *People v. Benitez*, S295919.** (H051175; nonpublished opinion; Santa Clara County Superior Court; C1118634.) Petition for review after the Court of Appeal affirmed a post-judgment order in a criminal matter. The court ordered briefing deferred pending decision in *People v. Andrews*, S290832 (#25-268), which 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?

**#26-79 *People v. Bowers*, S295268.** (B342100; nonpublished opinion; Los Angeles County Superior Court; LA023523.) Petition for review after the Court of Appeal modified and affirmed an order granting in part and denying in part a post-judgment motion in a criminal matter. The court ordered briefing deferred pending decision in *People v. Eaton*, S289903 (#25-129), which 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))?

**#26-80 *Chi v. Department of Motor Vehicles, S296201.*** (A172237; 119 Cal.App.5th 473; Alameda County Superior Court; 24CV067384.) Petition for review after the Court of Appeal affirmed the judgment in an action for writ of administrative mandate. The court ordered briefing deferred pending decision in *Romane v. Department of Motor Vehicles, S291093 (#25-274)*, which presents the following issue: Under what circumstances does an administrative per se hearing officer's relationship with the Department of Motor Vehicles (DMV) violate a driver's due process right to an impartial adjudicator by creating an unacceptable risk of bias during a DMV driver's license suspension hearing?

**#26-81 *Diaz v. Thor Motor Coach, Inc., S295851.*** (B339037; 118 Cal.App.5th 589; Los Angeles County Superior Court; 23NWC01867.) Petition for review after the Court of Appeal reversed an order in a civil action.

**#26-82 *Performance Marketing LLC v. Thor Motor Coach, S295827.*** (B336862; nonpublished opinion; Los Angeles County Superior Court; 23NWC01672.) Petition for review after the Court of Appeal reversed an order in a civil action.

The court ordered briefing in *Diaz* and *Performance Marketing* deferred pending decision in *Lathrop v. Thor Motor Coach, Inc., S287893 (#25-12)*, which presents the following issues: (1) Where a party alleges that enforcement of a forum selection clause would result in a waiver of the party's unwaivable statutory rights, what is the showing necessary to enforce (or avoid enforcement) of such a clause, and which party bears the burden of proof on the issue? (2) Under what circumstances, if any, does a stipulation to apply California law in the selected forum rebut an allegation that enforcement of a forum selection clause would result in a waiver of a party's unwaivable statutory rights? (3) If enforcement of a choice of law clause would result in a waiver of a party's unwaivable statutory rights, is the choice of law clause severable from the remainder of the agreement?

**#26-83 *People v. Rodriguez, S296100.*** (C102132; nonpublished opinion; Sacramento County Superior Court; 11F08115.) Petition for review after the Court of Appeal affirmed a post-judgment order in a criminal matter. The court ordered briefing deferred pending decision in *People v. Esquivias, S286371 (#24-189)*, which 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?

**#26-84 *People v. Williams*, S295787.** (E084643; nonpublished opinion; San Bernardino County Superior Court; FWV023670.) Petition for review after the Court of Appeal affirmed an order denying a post-judgment motion in a criminal matter. The court ordered briefing deferred pending decision in *People v. Munoz*, S290828 (#25-209), which 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?

#### SEPARATE STATEMENT ON DENIAL OF REVIEW

***People v. Johnson*, S295238.** (D082203; nonpublished opinion; Riverside County Superior Court; CR38392.) Petition for review after the Court of Appeal affirmed an order denying a post-judgment motion in a criminal matter.

#### DISPOSITIONS

***People v. Macias*, S196185**, an automatic appeal, was abated upon the death of the appellant.

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*The Supreme Court of California is the state's highest court and its decisions are binding on all other California state courts. The court's primary role is to decide matters of statewide importance and to maintain uniformity in the law throughout California by reviewing matters from the six districts of the California Courts of Appeal and the fifty-eight county superior courts (the trial courts). Among its other duties, the court also decides all capital appeals and related matters and reviews both attorney and judicial disciplinary matters.*