



Supreme Court of California
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NEWS RELEASE

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FOR IMMEDIATE RELEASE

November 26, 2025

Summary of Cases Accepted and Related Actions During Week of November 24, 2025

[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.]

#25-335 *People v. Agboola*, S293247. (B330883; nonpublished opinion; Los Angeles County Superior Court; BA482540.) Petitions for review after the Court of Appeal affirmed judgments of conviction of criminal offenses.

#25-336 *People v. Goehner*, S292396. (D085454; nonpublished opinion; Riverside County Superior Court; INF2101305.) Petition for review after the Court of Appeal affirmed a judgment of conviction of criminal offenses.

The court ordered briefing in *Agboola* and *Goehner* deferred pending decision in *People v. Allen*, S286520 (#24-224), which 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?

#25-337 *People v. Duran*, S293395. (G064987; nonpublished opinion; Orange County Superior Court; 94NF1756.) Petition for review after the Court of Appeal reversed an order denying a post-judgment motion in a criminal matter and remanded for resentencing. The court ordered briefing deferred pending decision in *People v. Espino*, S286987 (#24-209), which 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?

#25-338 *People v. Hernandez*, S293586. (B340029; nonpublished opinion; Los Angeles County Superior Court; NA053889.) 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?

#25-339 *People v. Smith*, S293538. (F087867; nonpublished opinion; Kern County Superior Court; DF016210A.) Petition for review after the Court of Appeal affirmed a judgment of conviction of criminal offenses. The court ordered briefing deferred pending decision in *People v. Morgan*, S286493 (#24-190), which 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))?

DISPOSITIONS

Review in the following case was dismissed:

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| #23-27 <i>Zhang v. Superior Court</i>, S277736 | (B314386; 85 Cal.App.5th 167 [non-citable]; Los Angeles County Superior Court; 21STCV19442) |
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STATUS

#24-235 *In re Montgomery*, S287339. The court directed the Attorney General to file supplemental briefing addressing the impact, if any, of Assembly Bill No. 1071 (2025–2026 Reg. Sess.) on the issues in this case. (See *id.*, § 3 [adding Penal Code, § 1473, subd. (e)(2)].)

The court ordered the following cases consolidated for argument and decision:

#25-128 *In re A.G.*, S289441.

#25-131 *In re Z.G.*, S289430.

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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.