

CALIFORNIA COURT OF APPEAL, FIRST APPELLATE DISTRICT, DIVISION
FOUR

In re Hieu Ho Trong Thai

In re Hieu Ho Trong Thai · No. A170701 · Decided December 16, 2025

SUMMARY

The California Court of Appeal considers Hieu Ho Trong Thai’s habeas corpus challenge to the timing of his initial youth offender parole hearing and the calculation of his youth parole eligible date under Penal Code section 3051 and California Code of Regulations, title 15, section 3043. Thai argues that denying him certain categories of conduct and rehabilitation credits available in calculating parole dates for other indeterminately sentenced inmates violates the governing statutes, equal protection, and due process. The court rejects his regulatory interpretation argument and, applying rational-basis review, denies writ relief.

CASE DETAILS

COURT	California Court of Appeal, First Appellate District, Division Four
WRITING FOR THE COURT	Streeter, J.; Brown, P. J.; Goldman, J.
JURISDICTION	California Court of Appeal, First Appellate District, Division Four
DECIDED	December 16, 2025
DOCKET	A170701
DISPOSITION	writ_denied
PROCEDURAL POSTURE	State habeas corpus petition challenging the calculation of the youth parole eligible date and the exclusion of several categories of prison credits from that calculation. After the Court of Appeal initially summarily denied relief, the California Supreme Court granted review and transferred the matter for issuance of an order to show cause. The Court of Appeal again denied habeas relief.
STANDARD OF REVIEW	Regulatory interpretation is reviewed in context of the statutory schemes the regulation implements. Thai's facial equal protection claim was reviewed under rational basis review, under which the classification is presumed valid and must be upheld if any reasonably conceivable rational relationship exists between the classification and a legitimate governmental purpose. The court treated the due process claim as presenting a constitutional question but rejected it for lack of

	authority and because the asserted interest was not constitutionally protected.
PRECEDENTIAL VALUE	published
PARTIES	Hieu Ho Trong Thai v. The People

TOPICS

state post-conviction relief equal protection rational basis review statutory interpretation

administrative law

PRACTICE AREAS

state habeas corpus post-conviction relief prisoner rights parole constitutional law administrative law

QUESTIONS PRESENTED

1. Whether the phrase "initial parole hearing" in California Code of Regulations, title 15, section 3043, subdivision (a), requires the same categories of credits to be used in calculating a youth offender's youth parole eligible date under Penal Code section 3051.
2. Whether section 3043, subdivision (f), violates equal protection by allowing only educational merit credits to advance youth parole eligible dates while allowing additional categories of credits to advance minimum eligible parole dates under the general parole scheme.
3. Whether the exclusion of additional credit categories from the youth parole eligible date calculation violates due process.

HOLDINGS

1. The term "initial parole hearing" in title 15, section 3043, subdivision (a), refers to the initial parole hearing under Penal Code section 3041 and cannot be imported into the separate youth offender parole scheme under section 3051. The regulation therefore does not require identical credit treatment in the MEPD and YPED calculations.
2. Title 15, section 3043, subdivision (f), does not violate equal protection. The differential treatment is subject to rational basis review, and limiting YPED-advancing credits to educational merit credits is rationally related to legitimate governmental purposes, including tailoring incentives within the youth parole scheme and maintaining certainty and administrative stability in parole-hearing scheduling.
3. Thai failed to establish a due process violation. He cited no authority showing that the exclusion of additional hearing-advancing credits impairs due process, and the timing of a parole hearing does not create a constitutional guarantee of release or require the broader credit calculation he sought.

KEY QUOTATIONS

"The basic error in Thai's argument equating the term "initial parole hearing" in Rule 3043(a) with the term "initial youth offender parole hearing" in section 3051, subdivision (a)(2)(C) is that these terms implement

two separate statutory schemes, one governing parole consideration generally for indeterminately sentenced parole-eligible inmates (§ 3041 et seq.) and one governing parole consideration specifically for youth offenders (§ 3051 et seq.).” (13)

“For equal protection purposes, it is enough that the choice the CDCR made is rationally tethered to some legitimate governmental purpose.” (25)

FACTUAL BACKGROUND

Thai is serving an indeterminate sentence of 45 years to life for first degree murder and was under age 26 when he committed the controlling offense. He is therefore subject to both a youth parole eligible date under Penal Code section 3051 and a minimum eligible parole date under the general parole scheme. California Department of Corrections and Rehabilitation regulations allow educational merit credits, but not good conduct, milestone completion, rehabilitative achievement, or extraordinary conduct credits, to advance the youth parole eligible date. Thai alleged that this difference deprived him of thousands of days of credit and delayed his youth offender parole hearing.

PROCEDURAL HISTORY

Thai, an inmate serving an indeterminate sentence of 45 years to life for first degree murder, filed a pro se habeas petition challenging the timing of his initial youth offender parole hearing. The Court of Appeal initially summarily denied the petition. The California Supreme Court granted review and transferred the case with directions to issue an order to show cause; after remand and appointment of counsel, the Court of Appeal rejected Thai's statutory interpretation, equal protection, and due process claims and denied the petition.

DISPOSITION

writ_denied

CASES CITED

- In re Sturm, 11 Cal.3d 258, 268 (1974)
- In re Dannenberg, 34 Cal.4th 1061 (2005)
- In re Cervera, 24 Cal.4th 1073, 1075-1076, 1078 (2001)
- People v. Cervantes, 9 Cal.App.5th 569, 618-619 (2017)
- People v. Superior Court (Lara), 4 Cal.5th 299, 315 (2018)
- People v. Hardin, 15 Cal.5th 834, 842-866 (2024)
- In re Brownlee, 50 Cal.App.5th 720, 725 (2020)
- In re Gadlin, 10 Cal.5th 915, 919 (2020)
- In re Nguyen, 107 Cal.App.5th 15, 24-29 (2024)
- People v. Buenrostro, 6 Cal.5th 367, 388 (2018)
- In re Kapperman, 11 Cal.3d 542, 545-546 (1974)
- In re Stinnette, 94 Cal.App.3d 800, 805 & fn. 4 (1979)

- In re Bender, 149 Cal.App.3d 380, 389 (1983)
- People v. Rajanayagam, 211 Cal.App.4th 42, 53-56 (2012)
- Morrissey v. Brewer, 408 U.S. 471 (1972)
- Gagnon v. Scarpelli, 411 U.S. 778 (1973)
- People v. Olivas, 17 Cal.3d 236 (1976)
- People v. Batten, 109 Cal.App.5th 908, 913 (2025)
- People v. Williams, 17 Cal.5th 99, 123-124 (2024)
- People v. Wilkinson, 33 Cal.4th 821, 838 (2004)
- People v. Shkrabak, 89 Cal.App.5th 943 (2023)
- People v. Yang, 78 Cal.App.5th 120 (2022)
- People v. Sage, 26 Cal.3d 498, 508 fn. 6 (1980)
- In re Huffman, 42 Cal.3d 552 (1986)
- In re Waterman, 42 Cal.3d 565 (1986)
- People v. Caruso, 161 Cal.App.3d 13 (1984)
- People v. Sandoval, 70 Cal.App.3d 73 (1977)
- People v. Reynolds, 116 Cal.App.3d 141 (1981)
- People v. Morrison, 110 Cal.App.5th 702, 716 (2025)
- People v. Bell, 45 Cal.App.4th 1030, 1048 (1996)
- People v. Mitchell, 30 Cal.App.4th 783, 794-795 (1994)
- People v. Silva, 27 Cal.App.4th 1160, 1167-1168 (1994)
- Criminal Justice Legal Foundation v. Department of Corrections and Rehabilitation, 113 Cal.App.5th 26 (2025), review granted Oct. 22, 2025, S292887
- In re Lawrence, 44 Cal.4th 1181 (2008)
- In re Palmer, 10 Cal.5th 959 (2021)
- Working Families of Monterey County v. King City Planning Commission, 106 Cal.App.5th 833, 849 fn. 8 (2024)
- Amezcua v. City of Pomona, 170 Cal.App.3d 305, 310 (1985)
- Tamura v. F.A.A., 675 F.Supp. 1221, 1230 (D. Haw. 1987)
- Hancock Industries v. Schaeffer, 811 F.2d 225, 237 (3d Cir. 1987)
- Barket, Levy & Fine, Inc. v. St. Louis Thermal Energy Corp., 21 F.3d 237, 240 (8th Cir. 1994)
- United States v. Carolene Products Co., 304 U.S. 144, 152 (1938)