

SUPREME COURT OF CALIFORNIA

People v. Superior Court (Guevara)

S283305 · No. S283305 · Decided October 9, 2025

SUMMARY

The California Supreme Court held that Penal Code section 1172.75 may constitutionally be used to recall and resentence a nonserious, nonviolent third-strike offender whose sentence includes invalid prior prison term enhancements. To avoid an unconstitutional amendment of the voter-enacted Three Strikes Reform Act, the court construed section 1172.75 to incorporate the Reform Act’s discretionary public-safety override. The court concluded that the Reform Act’s revised penalty provisions may apply at a section 1172.75 resentencing.

CASE DETAILS

COURT	Supreme Court of California
WRITING FOR THE COURT	Justice Evans; Justice Liu; Justice Kruger; Justice Groban; Justice Jenkins; Justice Corrigan; Chief Justice Guerrero
JURISDICTION	California Supreme Court
DECIDED	October 9, 2025
DOCKET	S283305
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	The People petitioned for review of a Court of Appeal decision reversing a superior court resentencing order and sought writ relief concerning the interaction between Penal Code section 1172.75 and the Three Strikes Reform Act. The Supreme Court reversed the Court of Appeal and remanded for further proceedings.
STANDARD OF REVIEW	De novo review of statutory interpretation and whether Penal Code section 1172.75 unconstitutionally amends Penal Code section 1170.126.
PRECEDENTIAL VALUE	Published California Supreme Court opinion; precedential
PARTIES	The People v. The Superior Court of Santa Barbara County

TOPICS

- statutory interpretation
- legislative intent
- constitutional law
- appellate procedure
- appellate jurisdiction

PRACTICE AREAS

criminal law

criminal sentencing

post-conviction resentencing

statutory interpretation

constitutional law

appellate procedure

QUESTIONS PRESENTED

1. Whether Penal Code section 1172.75, when applied to a nonserious, nonviolent third-strike offender serving an indeterminate sentence, permits application of the Reform Act's reduced sentencing provisions.
2. Whether applying the Reform Act's reduced sentencing provisions through section 1172.75 unconstitutionally amends voter-enacted Penal Code section 1170.126 in violation of article II, section 10 of the California Constitution.
3. Whether section 1172.75 incorporates section 1170.126's discretionary public-safety determination while not requiring the procedural requirements applicable to a standalone section 1170.126 petition.

HOLDINGS

1. Section 1172.75 permits application of the Reform Act's revised penalty provisions at resentencing for a nonserious, nonviolent third-strike offender whose sentence is recalled because it includes an invalid prior-prison-term enhancement.
2. Applying the Reform Act's revised penalty provisions through section 1172.75 does not unconstitutionally amend the Reform Act when section 1172.75 is construed to incorporate the Reform Act's substantive public-safety limitation.
3. A defendant resentenced under section 1172.75 need not file a separate section 1170.126 petition or satisfy section 1170.126's two-year filing deadline or good-cause requirement, although the defendant must satisfy the substantive public-safety limitation incorporated from section 1170.126.
4. The case must be remanded for a new present-day public-safety determination. If resentencing under the Reform Act would pose an unreasonable risk of danger to public safety, the superior court must reimpose an indeterminate term; otherwise, and if Guevara is otherwise eligible, it must resentence him under the Reform Act's revised penalty provisions.

KEY QUOTATIONS

"We hold that, as a matter of constitutional avoidance, section 1172.75 incorporates section 1170.126's discretionary public safety override as a condition for nonserious, nonviolent third strike offenders to obtain resentencing under the revised penalty provisions of the Reform Act." (20)

"The resentencing court is not bound by the prior dangerousness determination associated with Guevara's section 1170.126 petition." (49)

FACTUAL BACKGROUND

In 2009, Edgardo Ortiz Guevara was convicted of felony corporal injury to a coparent and misdemeanor child endangerment. He admitted two prior strike convictions and three prior prison terms and received a sentence of

25 years to life under the original Three Strikes law, plus three one-year enhancements. After the Reform Act was enacted, his petition for resentencing under section 1170.126 was denied because the trial court found that his release would pose an unreasonable risk of danger to public safety. When the Department of Corrections and Rehabilitation later identified him as serving a sentence containing invalid prior-prison-term enhancements, the superior court recalled and resentenced him under section 1172.75 to eight years.

PROCEDURAL HISTORY

Guevara was sentenced in 2009 to an indeterminate term of 25 years to life, with prior-prison-term enhancements, after a third-strike conviction. His 2013 petition for resentencing under Penal Code section 1170.126 was denied on public-safety grounds, and the Court of Appeal affirmed. After Senate Bill No. 483 and section 1172.75 invalidated the prior-prison-term enhancements, the superior court recalled his sentence and resentenced him under current law to eight years. The Court of Appeal reversed, concluding that applying the Reform Act's reduced penalty provisions would unconstitutionally amend the voter-enacted statute. The Supreme Court reversed and remanded.

DISPOSITION

reversed_and_remanded

REMAND INSTRUCTIONS

The Court of Appeal must remand to the superior court. The superior court must make a new present-day determination whether resentencing under the Reform Act would pose an unreasonable risk of danger to public safety. If so, it must reimpose an indeterminate term. If not, and if Guevara is otherwise eligible under the Reform Act, it must resentence him under the Reform Act's revised penalty provisions.

CASES CITED

- People v. Conley, 63 Cal.4th 646 (2016)
- People v. Frierson, 4 Cal.5th 225 (2017)
- People v. Superior Court (Pearson), 48 Cal.4th 564 (2010)
- People v. Cooper, 27 Cal.4th 38 (2002)
- People v. Kelly, 47 Cal.4th 1008 (2010)
- Robert L. v. Superior Court, 30 Cal.4th 894 (2003)
- People v. King, 38 Cal.4th 617 (2006)
- People v. Valencia, 3 Cal.5th 347 (2017)
- Pacific Palisades Bowl Mobile Estates, LLC v. City of Los Angeles, 55 Cal.4th 783 (2012)
- Miller v. Municipal Court of Los Angeles, 22 Cal.2d 818 (1943)
- People v. Leiva, 56 Cal.4th 498 (2013)
- People v. Yearwood, 213 Cal.App.4th 161 (2013)
- Dix v. Superior Court, 53 Cal.3d 442 (1991)
- Even Zohar Construction & Remodeling, Inc. v. Bellaire Townhouses, LLC, 61 Cal.4th 830 (2015)

- State Department of Public Health v. Superior Court, 60 Cal.4th 940 (2015)
- Palermo v. Stockton Theatres, Inc., 32 Cal.2d 53 (1948)
- In re Jovan B., 6 Cal.4th 801 (1993)
- In re Estrada, 63 Cal.2d 740 (1965)
- Conservatorship of Wendland, 26 Cal.4th 519 (2001)
- People v. Garcia, 2 Cal.5th 792 (2017)
- People v. Miracle, 6 Cal.5th 318 (2018)
- Edward J. DeBartolo Corp. v. Florida Gulf Coast Building & Construction Trades Council, 485 U.S. 568 (1988)
- People v. Superior Court (Romero), 13 Cal.4th 497 (1996)
- People v. Salazar, 15 Cal.5th 416 (2023)
- Superior Court v. County of Mendocino, 13 Cal.4th 45 (1996)
- People v. Hardin, 15 Cal.5th 834 (2024)

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