

CALIFORNIA COURT OF APPEAL, SIXTH APPELLATE DISTRICT

People v. Morrison

H050677 (Cal. Ct. App. Apr. 14, 2025) · No. H050677 · Decided April 14, 2025

SUMMARY

The California Court of Appeal, Sixth Appellate District, considers whether the Sexually Violent Predator Act violates equal protection by failing to require a personal advisement of the right to a jury trial and a personal waiver before a bench trial. The court holds that rational basis review applies to this challenge. Because the claim was not raised in the trial court, the court conditionally affirms the commitment order and remands to allow Morrison to present the equal protection claim and the People to justify the statutory distinction.

CASE DETAILS

COURT	California Court of Appeal, Sixth Appellate District
WRITING FOR THE COURT	Danner, J.; Greenwood, P. J.; Bromberg, J.
JURISDICTION	California Court of Appeal, Sixth Appellate District
DECIDED	April 14, 2025
DOCKET	H050677
DISPOSITION	remanded
PROCEDURAL POSTURE	Appeal from an order of the Santa Clara County Superior Court declaring Morrison a sexually violent predator under the Sexually Violent Predator Act and committing him to the California Department of State Hospitals for an indeterminate term. Morrison challenged the absence of a personal jury-trial advisement and personal waiver procedure under the Act on equal protection grounds.
STANDARD OF REVIEW	Rational basis review applies to Morrison's equal protection challenge concerning the SVPA's failure to require a personal jury-trial advisement and personal waiver. Under that standard, the statutory classification is presumed valid, and Morrison bears the burden of showing that no rational basis for the unequal treatment is reasonably conceivable.
PRECEDENTIAL VALUE	Published and certified for publication
PARTIES	Matthew Morrison v. The People

TOPICS

equal protection

rational basis review

appellate procedure

civil rights

constitutional law

PRACTICE AREAS

constitutional law

civil commitment

equal protection

appellate procedure

sexually violent predator proceedings

QUESTIONS PRESENTED

1. What level of equal protection scrutiny applies to a challenge to the SVPA's failure to require a personal advisement of the right to jury trial and a personal waiver before a bench trial?
2. Whether Morrison's equal protection challenge should be forfeited because it was not raised in the trial court.
3. What remedy is appropriate when the equal protection challenge was not developed in the trial court?

HOLDINGS

1. Morrison's equal protection challenge to the SVPA's failure to require a personal jury-trial advisement and personal waiver is subject to rational basis review, not strict scrutiny.
2. The court declined to apply forfeiture and permitted Morrison to raise his equal protection challenge in the trial court.
3. On remand, Morrison must be given an opportunity to show that no rational basis for the SVPA's disparate treatment is reasonably conceivable; the People do not bear the burden of proving a compelling interest or producing heightened-scrutiny evidence.
4. If the trial court finds an equal protection violation, it must vacate the SVP order and set the matter for a jury trial unless Morrison knowingly and intelligently waives that right after being personally advised of it.

KEY QUOTATIONS

“The burden will be on Morrison—not the People—to show that “ ‘no rational basis for the unequal treatment is reasonably conceivable.’ ”” (at 16)

“If the trial court determines there is an equal protection violation, the court shall vacate the order declaring Morrison to be an SVP and set the matter for a jury trial, unless Morrison provides a knowing and intelligent waiver of his right to a jury trial after being personally advised of that right.” (at 20)

FACTUAL BACKGROUND

The People petitioned to commit Morrison as a sexually violent predator before his release from prison, supported by evaluations from two psychologists. Morrison's counsel initially requested a jury trial but later stated that the case would proceed as a court trial and indicated a willingness to waive the jury on Morrison's behalf. Morrison was never personally advised on the record of his jury-trial right and did not personally waive

that right. The superior court conducted a bench trial, found Morrison to be a sexually violent predator, and ordered indeterminate commitment.

PROCEDURAL HISTORY

The People petitioned to commit Morrison as a sexually violent predator. After Morrison's counsel initially requested a jury trial, counsel later indicated that the matter would be a court trial and purported to waive a jury trial on Morrison's behalf, but the record contained no personal advisement or personal waiver by Morrison. Following a bench trial, the superior court found the petition true and ordered indeterminate commitment. The Court of Appeal conditionally affirmed and remanded to permit Morrison to raise his equal protection challenge in the trial court.

DISPOSITION

remanded

REMAND INSTRUCTIONS

The order declaring Morrison to be a sexually violent predator and committing him to the California Department of State Hospitals is conditionally affirmed. The matter is remanded to permit Morrison to raise an equal protection challenge to the SVPA. If the trial court finds an equal protection violation, it must vacate the SVP order and set the matter for a jury trial unless Morrison knowingly and intelligently waives the right after being personally advised of it.

CASES CITED

- State Department of State Hospitals v. Superior Court (2015) 61 Cal.4th 339, 344
- Rodriguez v. Superior Court (2023) 15 Cal.5th 472, 486-489, 515
- People v. Hardin (2024) 15 Cal.5th 834, 847, 850-852, 854, 865
- People v. Blackburn (2015) 61 Cal.4th 1113, 1116, 1123, 1125
- People v. Tran (2015) 61 Cal.4th 1160, 1162, 1167
- People v. Barrett (2012) 54 Cal.4th 1081, 1110-1111, 1118
- People v. Magana (2022) 76 Cal.App.5th 310, 324, 327
- People v. Cannon (2022) 85 Cal.App.5th 786, 797, 799-800
- In re Smith (2008) 42 Cal.4th 1251, 1263
- People v. Dunley (2016) 247 Cal.App.4th 1438, 1451
- People v. Williams (2024) 17 Cal.5th 99, 123, 125, 128, 130
- People v. Olivas (1976) 17 Cal.3d 236, 251
- People v. McKee (2010) 47 Cal.4th 1172, 1206, 1208-1210
- People v. McKee (2012) 207 Cal.App.4th 1325, 1330-1332
- People v. Nolasco (2021) 67 Cal.App.5th 209, 226
- People v. Washington (2021) 72 Cal.App.5th 453, 467-468, 474 fn. 10

- People v. Allen (2008) 44 Cal.4th 843, 869
- Metropolis Theatre Co. v. Chicago (1913) 228 U.S. 61, 69
- FCC v. Beach Communications, Inc. (1993) 508 U.S. 307, 315

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