

CALIFORNIA COURT OF APPEAL, FIRST APPELLATE DISTRICT, DIVISION
THREE

California Department of Corrections and Rehabilitation v. Superior
Court of Alameda County

CDCR v. Superior Court (Escobedo) · No. A166559 · Decided August 25, 2023

SUMMARY

The California Department of Corrections and Rehabilitation sought a writ of mandate challenging an order placing Robert Escobedo on felony probation after the superior court permitted withdrawal of parole-revocation petitions. The Court of Appeal held that because Escobedo was on lifetime parole, Penal Code section 3000.08, subdivision (h), required the court to remand him to CDCR custody after finding that he committed a new offense. The court also held that CDCR had standing and lacked another plain, speedy, and adequate remedy.

CASE DETAILS

COURT	California Court of Appeal, First Appellate District, Division Three
WRITING FOR THE COURT	Tucher, P.J.; Fujisaki, J.; Petrou, J.
JURISDICTION	California
DECIDED	August 25, 2023
DOCKET	A166559
DISPOSITION	writ_granted
PROCEDURAL POSTURE	The California Department of Corrections and Rehabilitation petitioned for a writ of mandate challenging an Alameda County Superior Court order that accepted a negotiated disposition, permitted withdrawal of parole-revocation petitions, and placed lifetime parolee Robert Escobedo on felony probation. The Court of Appeal issued an order to show cause and granted the mandate petition.
STANDARD OF REVIEW	Writ review of whether the superior court acted within its legal authority; statutory interpretation is reviewed independently.
PRECEDENTIAL VALUE	Published and certified for publication; precedential under California law.
PARTIES	California Department of Corrections and Rehabilitation v. Superior Court of Alameda County

TOPICS

parole criminal procedure appellate procedure statutory interpretation writ of certiorari

PRACTICE AREAS

criminal procedure appellate procedure parole statutory interpretation administrative law

QUESTIONS PRESENTED

1. Whether CDCR had an adequate remedy at law and standing to seek writ review of the superior court's sentencing order.
2. Whether section 3000.08, subdivision (h), required the superior court to remand Escobedo to CDCR after finding that he committed a new offense while on lifetime parole.
3. Whether the superior court could place a lifetime parolee on probation as part of a negotiated plea disposition.
4. Whether the district attorney had authority to withdraw a parole-revocation petition filed by CDCR.

HOLDINGS

1. CDCR had no plain, speedy, and adequate remedy through direct appeal and had standing as a state agency with a direct and substantial interest in enforcing the statutory scheme governing lifetime parole. Writ review was therefore procedurally proper.
2. When a court determines that a lifetime parolee has committed a violation of law or violated parole conditions, section 3000.08, subdivision (h), requires the parolee to be remanded to CDCR and the jurisdiction of the Board of Parole Hearings. The remand is mandatory and is not conditioned on a pending parole-revocation petition.
3. The superior court lacked authority to accept a negotiated disposition placing Escobedo on felony probation after finding that he committed a new offense while on lifetime parole. The plea agreement was unlawful and unenforceable to that extent.
4. Even assuming the district attorney could withdraw its own parole-revocation petition, it had no unilateral authority to withdraw the separate petition filed by CDCR pursuant to CDCR's statutory authority and mandate.

KEY QUOTATIONS

“These options do not exist when the court adjudicates a petition concerning a lifetime parolee,” however.”
(at 7)

“The court must exercise its sentencing authority in accordance with the Penal Code, public policy, and decisional law,” (at 17)

“Simply stated, the “imposition and duration of a parole term is not a permissible subject of plea negotiations.”” (at 18)

“The law simply does not authorize probation for a lifetime parolee who is found to have again violated the law, and therefore, neither the prosecution nor the sentencing court had authority to accept a negotiated disposition that placed Escobedo on probation.” (at 25)

FACTUAL BACKGROUND

Robert Escobedo was released from prison in 2016 after serving a sentence for murder and related firearm offenses and was placed on lifetime parole. In 2020, he was charged with forcible oral copulation and criminal threats, and both the district attorney and CDCR filed parole-revocation petitions based on the alleged conduct. In 2022, the superior court accepted a negotiated disposition under which Escobedo pleaded guilty or no contest to felony criminal threats, the two revocation petitions were withdrawn, and he was placed on three years of felony probation. CDCR informed the court and prosecutor that section 3000.08, subdivision (h), required a lifetime parolee who committed a new offense to be remanded to CDCR.

PROCEDURAL HISTORY

Escobedo was charged with multiple felonies, and the district attorney and CDCR separately filed petitions to revoke his parole. As part of a negotiated disposition, the superior court permitted withdrawal of both revocation petitions, accepted Escobedo's plea to felony criminal threats, and placed him on three years of felony probation. CDCR then sought writ relief, arguing that the superior court lacked authority to impose probation on a lifetime parolee who had committed a new offense and that the district attorney lacked authority to withdraw CDCR's petition.

DISPOSITION

writ_granted

REMAND INSTRUCTIONS

A peremptory writ of mandate shall issue directing the trial court to vacate the judgment and sentence in Escobedo's criminal action, vacate the order granting the People's motion to withdraw CDCR's parole-revocation petition, afford Escobedo the opportunity to withdraw his plea, and conduct further proceedings consistent with the opinion.

CASES CITED

- People v. DeLeon (2017) 3 Cal.5th 640, 647
- People v. Williams (2021) 71 Cal.App.5th 1029, 1038-1040, 1044-1045
- People v. Wiley (2019) 36 Cal.App.5th 1063, 1067-1068
- People v. Perlas (2020) 47 Cal.App.5th 826, 831-832, 836
- People v. VonWahlde (2016) 3 Cal.App.5th 1187, 1191-1195
- City of Half Moon Bay v. Superior Court (2003) 106 Cal.App.4th 795, 803
- United Health Centers of San Joaquin Valley, Inc. v. Superior Court (2014) 229 Cal.App.4th 63, 74
- Omaha Indemnity Co. v. Superior Court (1989) 209 Cal.App.3d 1266, 1273-1274

- Crump v. Appellate Division of the Superior Court (2019) 37 Cal.App.5th 222, 236, 240-242
- People v. Hernandez (2009) 172 Cal.App.4th 715, 720
- People v. Stamps (2020) 9 Cal.5th 685, 706
- People v. Toussain (2015) 240 Cal.App.4th 974
- People v. Johnson (2020) 58 Cal.App.5th 363
- People v. Mendez (1991) 234 Cal.App.3d 1773, 1783
- People v. Douglas (1999) 20 Cal.4th 85, 93
- People v. Superior Court (Kaulick) (2013) 215 Cal.App.4th 1279, 1296
- People v. Loper (2015) 60 Cal.4th 1155, 1167
- Dix v. Superior Court (1991) 53 Cal.3d 442, 448, 450-451
- Parmar v. Board of Equalization (2011) 196 Cal.App.4th 705, 718
- City of Clovis v. County of Fresno (2014) 222 Cal.App.4th 1469, 1477
- Guastello v. AIG Speciality Ins. Co. (2021) 61 Cal.App.5th 97, 105
- Landry v. Berryessa Union School Dist. (1995) 39 Cal.App.4th 691, 699-700
- People v. Renfro (2004) 125 Cal.App.4th 223, 230, 232-233
- In re Moser (1993) 6 Cal.4th 342, 357
- People v. McMillion (1992) 2 Cal.App.4th 1363, 1369
- Berman v. Cate (2010) 187 Cal.App.4th 885, 895
- People v. Zamudio (2017) 12 Cal.App.5th 8, 15
- People v. Navarro (1972) 7 Cal.3d 248, 258
- Linsk v. Linsk (1969) 70 Cal.2d 272, 278
- Conservatorship of John L. (2010) 48 Cal.4th 131, 156