

CALIFORNIA COURT OF APPEAL, FIRST APPELLATE DISTRICT, DIVISION
FOUR

Reed v. Superior Court

No. A173393 (Cal. Ct. App. Dec. 30, 2025) · No. A173393 · Decided December 30, 2025

SUMMARY

The California Court of Appeal holds that Health and Safety Code section 11395 does not preclude a defendant charged with a treatment-mandated felony from seeking pretrial mental health diversion under Penal Code section 1001.36. The court directs the superior court to vacate its orders denying Beau Reed’s diversion requests and to reconsider them under Penal Code section 1001.36.

CASE DETAILS

COURT	California Court of Appeal, First Appellate District, Division Four
WRITING FOR THE COURT	Brown, P. J.; Goldman, J.; Moorman, J.
JURISDICTION	California Court of Appeal, First Appellate District, Division Four
DECIDED	December 30, 2025
DOCKET	A173393
DISPOSITION	writ_granted
PROCEDURAL POSTURE	Petition for writ of mandate challenging the trial court's ruling that a defendant charged under Health and Safety Code section 11395 was legally ineligible for pretrial mental health diversion under Penal Code section 1001.36.
STANDARD OF REVIEW	De novo review applies to the statutory-interpretation issue.
PRECEDENTIAL VALUE	Published California Court of Appeal opinion; precedential under California law.
PARTIES	Beau Reed v. The Superior Court of Solano County, The People of the State of California, Real Party in Interest

TOPICS

- statutory interpretation
- criminal procedure
- appellate procedure
- standard of review

PRACTICE AREAS

- criminal procedure
- statutory interpretation
- mental health diversion
- writ practice

QUESTIONS PRESENTED

1. Whether Health and Safety Code section 11395 precludes a defendant charged under that statute from receiving pretrial mental health diversion under Penal Code section 1001.36.
2. Whether section 11395's "notwithstanding any other law" language makes its postconviction treatment path exclusive.
3. Whether section 11395 and Penal Code section 1001.36 can be harmonized and operate concurrently.

HOLDINGS

1. A defendant charged under Health and Safety Code section 11395 is not precluded as a matter of law from participating in pretrial mental health diversion under Penal Code section 1001.36. Trial courts retain discretion to grant diversion if the defendant satisfies the statutory eligibility and suitability requirements.
2. The phrase "notwithstanding any other law" in section 11395(b)(1) overrides only laws that conflict with the punishment provision in that subdivision; it does not make section 11395(d)'s postconviction treatment path the exclusive treatment option or bar Penal Code section 1001.36.

KEY QUOTATIONS

"Because pretrial mental health diversion occurs before conviction and the treatment or punishment contemplated in section 11395 occurs only after conviction, the plain text of the two statutes can, and therefore must, be read to coexist." (at 12)

"Considering all this, we cannot conclude the extrinsic materials relied on by the People provide the requisite 'undebatable evidence' (Western Oil & Gas Assn., supra, 49 Cal.3d at p. 420) that the voters intended to partially repeal Penal Code section 1001.36." (at 18)

FACTUAL BACKGROUND

Reed faced charges in three criminal cases, including two charges for possession of a hard drug with two prior drug-related convictions under Health and Safety Code section 11395, subdivision (b)(1). He sought pretrial mental health diversion under Penal Code section 1001.36 and treatment under section 11395. The trial court concluded that section 11395 took precedence over section 1001.36 and denied diversion in the two section 11395 cases without deciding Reed's substantive eligibility or suitability.

PROCEDURAL HISTORY

Reed was charged in two cases with violating Health and Safety Code section 11395 and in a third case with possession for sale under section 11378. He requested pretrial mental health diversion and treatment under section 11395. The Solano County Superior Court granted diversion as to the section 11378 charge but ruled that section 11395 legally barred diversion in the other two cases; after denying reconsideration, the court of appeal issued an order to show cause and granted writ relief.

DISPOSITION

writ_granted

REMAND INSTRUCTIONS

The superior court must vacate its orders denying Reed's requests for pretrial mental health diversion in case numbers F25-00216 and F25-00429 and exercise its discretion to determine whether to grant diversion under Penal Code section 1001.36.

CASES CITED

- People v. Superior Court (Ortiz), 81 Cal. App. 5th 851, 862-863, 872 (2022)
- Vaughn v. Superior Court, 105 Cal. App. 5th 124, 133 (2024)
- Sarmiento v. Superior Court, 98 Cal. App. 5th 882, 891 (2024)
- People v. Frahs, 9 Cal. 5th 618, 632 (2020)
- People v. Whitmill, 86 Cal. App. 5th 1138, 1149 (2022)
- State Dept. of Public Health v. Superior Court, 60 Cal. 4th 940, 955-956 (2015)
- Western Oil & Gas Assn. v. Monterey Bay Unified Air Pollution Control Dist., 49 Cal. 3d 408, 420 (1989)
- Schatz v. Allen Matkins Leck Gamble & Mallory LLP, 45 Cal. 4th 557, 573 (2009)
- People v. Braden, People v. Braden, 14 Cal. 5th 791, 800 (2023)
- In re N.R., 15 Cal. 5th 520, 541-542 & n. 10 (2023)
- Professional Engineers in California Government v. Kempton, 40 Cal. 4th 1016, 1037 (2007)
- People v. Fuentes, 1 Cal. 5th 218, 227 (2016)
- People v. Rizo, 22 Cal. 4th 681, 685 (2000)
- California Advocates for Nursing Home Reform v. Smith, 38 Cal. App. 5th 838, 902 (2019)
- People v. Valencia, 3 Cal. 5th 347, 364 (2017)