

CALIFORNIA COURT OF APPEAL, THIRD APPELLATE DISTRICT

Nuanmanee v. Superior Court

Nuanmanee · No. C105413 · Decided May 18, 2026

SUMMARY

The California Court of Appeal granted Bobby Nuanmanee’s petition for a writ of mandate, holding that he was not brought to trial within the statutory speedy-trial period under Penal Code section 1382. The court held that conducting pretrial motions without a summoned and sworn jury did not commence trial and that the court’s administrative practice of not empaneling juries on Mondays did not establish good cause for the delay. The court directed the superior court to dismiss the misdemeanor action.

CASE DETAILS

COURT	California Court of Appeal, Third Appellate District
WRITING FOR THE COURT	Earl, P. J.; Robie, J.; Mauro, J.
JURISDICTION	California Court of Appeal, Third Appellate District
DECIDED	May 18, 2026
DOCKET	C105413
DISPOSITION	writ_granted
PROCEDURAL POSTURE	Original proceeding for a writ of mandate challenging the superior court's denial of a motion to dismiss misdemeanor charges for violation of the statutory speedy-trial deadline.
STANDARD OF REVIEW	The question whether a defendant was brought to trial within the meaning of Penal Code section 1382 is reviewed independently as a question of law. The determination whether good cause exists under section 1382 is reviewed for abuse of discretion.
PRECEDENTIAL VALUE	Published and certified for publication
PARTIES	Bobby Nuanmanee, Petitioner v. The Superior Court of Siskiyou County, Respondent, The People, Real Party in Interest

TOPICS

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

PRACTICE AREAS

criminal procedure

appellate procedure

statutory interpretation

constitutional law

QUESTIONS PRESENTED

1. Whether Nuanmanee was brought to trial within the meaning of Penal Code section 1382 when the court heard motions in limine and discussed evidentiary issues and jury instructions but no jury had been summoned or sworn.
2. Whether the court's administrative policy of not empaneling juries on Mondays, together with the one-day delay and the public defender's practice of resolving cases on the trial date, established good cause to continue trial beyond the statutory speedy-trial deadline.
3. Whether extraordinary writ review was the appropriate means to review the denial of a misdemeanor defendant's speedy-trial dismissal motion.

HOLDINGS

1. A defendant is not brought to trial under Penal Code section 1382 merely because the court hears motions in limine and discusses evidentiary issues and jury instructions. The court must have committed its resources to the trial, the parties must be ready to proceed, and a panel of prospective jurors must be summoned and sworn. Because no jury could be empaneled on December 15, Nuanmanee was not brought to trial within the statutory period.
2. The court's administrative policy of not summoning jurors on Mondays, and the resulting inability to empanel a jury on the statutory deadline, did not establish good cause to continue trial over the defendant's objection. Court congestion, improper court administration, and routine logistical difficulties do not constitute good cause under these circumstances.
3. A misdemeanor defendant may obtain pretrial review of a denial of a speedy-trial dismissal motion through a petition for writ of mandate or prohibition because an appeal after trial does not provide an adequate remedy.

KEY QUOTATIONS

“an accused is ‘brought to trial’ within the meaning of section 1382 when a case has been called for trial by a judge who is normally available and ready to try the case to conclusion. The court must have committed its resources to the trial, and the parties must be ready to proceed and a panel of prospective jurors must be summoned and sworn.” (5)

“The Rhinehart decision teaches that section 1382 requires more than mere lip service to the fundamental right to a speedy trial; it requires that the elements vital to undertaking a trial be present.” (7)

“It is the state’s obligation to resolve the routine logistical difficulties it faces in bringing defendants to trial in a timely manner.” (10)

FACTUAL BACKGROUND

Nuanmanee, charged with misdemeanor driving-under-the-influence offenses, withdrew his speedy-trial waiver on October 20, 2025. December 15, 2025, was the last day to commence trial under Penal Code section 1382, subdivision (a)(3), and Nuanmanee was ready to proceed that day. The court heard motions in limine but, under its policy of reserving Mondays for final arguments and beginning jury empanelment on Tuesdays, no jury was available; the court continued the matter to December 16 over Nuanmanee's objection. Jury selection began on December 16 but could not proceed because the panel was contaminated, and the court reset trial for January 6, 2026.

PROCEDURAL HISTORY

Nuanmanee was charged with misdemeanor violations of Vehicle Code section 23152, subdivisions (a) and (b). After withdrawing his time waiver, he objected to a continuance beyond December 15, 2025, the statutory deadline under Penal Code section 1382. The superior court denied his motions to dismiss, concluding that trial had commenced on December 15 and that good cause supported a one-day continuance. The Court of Appeal stayed the trial, issued an order to show cause, granted the mandate petition, and directed the superior court to dismiss the case.

DISPOSITION

writ_granted

REMAND INSTRUCTIONS

Issue a peremptory writ directing the Superior Court of Siskiyou County to vacate its December 16, 2025 order denying Nuanmanee's Penal Code section 1382 motion to dismiss and to issue a new order granting the motion. The stay of trial is vacated upon issuance of the remittitur.

CASES CITED

- People v. Martinez (2000) 22 Cal.4th 750, 754, 766
- People v. Sutton (2010) 48 Cal.4th 533, 537, 546
- Mendoza v. Superior Court (2024) 103 Cal.App.5th 865, 870
- Rhinehart v. Municipal Court (1984) 35 Cal.3d 772, 775-781
- People v. Johnson (1980) 26 Cal.3d 557, 570, 573 fn. 18
- People v. Wilson (1963) 60 Cal.2d 139, 149-150
- Sykes v. Superior Court (1973) 9 Cal.3d 83, 89
- Serna v. Superior Court (1985) 40 Cal.3d 239, 264
- People v. Hajjaj (2010) 50 Cal.4th 1184, 1191-1203
- Harris v. Superior Court (2016) 1 Cal.5th 984, 992
- Burgos v. Superior Court (2012) 206 Cal.App.4th 817, 824