

SUPREME COURT OF CALIFORNIA

People v. Mitchell

People v. Mitchell · No. S277314 · Decided May 18, 2026

SUMMARY

The California Supreme Court holds that Penal Code section 1170(b), as amended by Senate Bill 567, applies retroactively to nonfinal judgments involving negotiated upper-term sentences. A defendant who entered a plea bargain with a stipulated upper term may waive the amended requirements and retain the original sentence, agree to modify the bargain, or withdraw from the bargain and return to a pre-plea posture. The court reverses the Court of Appeal and remands for further proceedings.

CASE DETAILS

COURT	Supreme Court of California
WRITING FOR THE COURT	Justice Corrigan; Chief Justice Guerrero; Justice Liu; Justice Kruger; Justice Groban; Justice Evans; Justice Bromberg
JURISDICTION	California Supreme Court
DECIDED	May 18, 2026
DOCKET	S277314
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	Review granted from a published Court of Appeal decision affirming the denial of relief from an upper-term sentence imposed pursuant to a plea bargain.
STANDARD OF REVIEW	De novo review of statutory interpretation and the legal effect of retroactive sentencing legislation on a plea agreement.
PRECEDENTIAL VALUE	Published, precedential California Supreme Court opinion.
PARTIES	Sunee Lynn Mitchell v. The People

TOPICS

- plea bargaining
- sentencing
- statutory interpretation
- criminal procedure
- appellate procedure

PRACTICE AREAS

- criminal law
- criminal procedure
- sentencing
- plea bargaining
- appellate procedure

QUESTIONS PRESENTED

1. Whether the retroactive amendments to Penal Code section 1170(b) apply to a nonfinal judgment imposing an upper-term sentence stipulated as part of a plea bargain.
2. Whether Mitchell validly waived the section 1170(b) requirements when she entered her plea before those rights were recognized or conferred.
3. Whether the proper remedy is unilateral reduction of the sentence or a remand allowing waiver, modification of the plea bargain, or withdrawal of the plea.

HOLDINGS

1. The amended requirements of Penal Code section 1170(b) apply retroactively under *In re Estrada* to nonfinal judgments involving upper-term sentences stipulated as part of plea bargains.
2. A plea bargain specifying an upper-term sentence may relieve the trial court of independently determining whether aggravating facts justify the upper term only if the defendant validly waives the requirements of section 1170(b).
3. The appropriate remedy is a remand permitting the defendant to waive or invoke section 1170(b)'s requirements; the defendant is not entitled to a unilateral reduction to the middle term while retaining the benefits of the plea bargain.

KEY QUOTATIONS

“We hold that defendants like Mitchell, who agreed to an upper term sentence as part of a plea bargain, may seek the retroactive benefit of section 1170(b)’s amended provisions to their nonfinal judgments.” (2)

“Accordingly, we hold that a plea bargain that includes a stipulated upper term sentence absolves the trial court of its duty to determine that the sentence is justified by facts found in compliance with section 1170(b) (2)’s provisions. But this is only true if the defendant, in entering the plea bargain, validly waives section 1170(b)’s requirements.” (16)

“If no such agreement is reached and approved, Mitchell’s remedy is to withdraw her assent to the bargain.” (29)

FACTUAL BACKGROUND

Mitchell drove recklessly while fleeing from police, including running red lights, driving in oncoming traffic, and nearly striking a patrol vehicle. She had a blood-alcohol concentration of 0.183 percent and was charged with multiple felonies, misdemeanors, sentencing enhancements, and a prior strike. Under a negotiated disposition, she pleaded no contest to one felony evading offense and one misdemeanor, admitted the prior strike, and agreed to a doubled upper-term sentence; the remaining charges were dismissed.

PROCEDURAL HISTORY

Mitchell pleaded no contest to felony evading an officer and misdemeanor driving with a blood-alcohol concentration of 0.08 percent or higher, admitted a prior robbery strike, and stipulated to a doubled upper-term sentence of six years. The remaining charges and allegations were dismissed. While her appeal was pending,

Senate Bill No. 567 amended Penal Code section 1170(b) to require a stipulation or proof beyond a reasonable doubt of aggravating facts supporting an upper-term sentence. The Court of Appeal held that the amendment did not apply to the stipulated plea sentence. The California Supreme Court granted review, reversed in part, and remanded for proceedings allowing Mitchell to waive or invoke the amended requirements.

DISPOSITION

reversed_and_remanded

REMAND INSTRUCTIONS

The matter is remanded for proceedings allowing Mitchell to either waive or invoke section 1170(b)'s requirements. If she validly waives them and reaffirms the plea bargain, the court must reinstate the original six-year sentence. If she does not waive them, the parties may agree to modify the bargain to a doubled middle-term sentence on count 4, subject to court approval. If no modified agreement is reached and approved, Mitchell may withdraw her assent, the plea must be set aside, and the parties must return to a pre-plea posture, with freedom to renegotiate or proceed to trial.

CASES CITED

- In re Estrada (1965) 63 Cal.2d 740
- People v. Prudholme (2023) 14 Cal.5th 961, 970-971
- People v. Stamps (2020) 9 Cal.5th 685, 701, 705-709
- People v. Lynch (2024) 16 Cal.5th 730, 749, 755-767, 768
- People v. Sallee (2023) 88 Cal.App.5th 330, 335, 337-341
- People v. De La Rosa Burgara (2023) 97 Cal.App.5th 1054, 1061-1064
- People v. Fox (2023) 90 Cal.App.5th 826, 831-835
- People v. Todd (2023) 88 Cal.App.5th 373, 377-382
- People v. Kim (2011) 193 Cal.App.4th 1355, 1361, 1363, 1366
- People v. Segura (2008) 44 Cal.4th 921, 929, 931
- In re Alvernaz (1992) 2 Cal.4th 924, 941
- People v. Palmer (2013) 58 Cal.4th 110, 112
- People v. French (2008) 43 Cal.4th 36, 41, 46-54
- People v. Hester (2000) 22 Cal.4th 290, 293-295
- Doe v. Harris (2013) 57 Cal.4th 64
- Harris v. Superior Court (2016) 1 Cal.5th 984, 988, 991-992
- People v. Prudholme (2023) 14 Cal.5th 961, 963, 977
- People v. Oates (2004) 32 Cal.4th 1048, 1063
- People v. McFarland (1989) 47 Cal.3d 798, 803-804
- People v. Hall (2000) 83 Cal.App.4th 1084, 1089-1090
- People v. Benson (1998) 18 Cal.4th 24, 26-33

- People v. Park (2013) 56 Cal.4th 782, 789
- Cunningham v. California (2007) 549 U.S. 270, 276-278, 281, 293-294
- Apprendi v. New Jersey (2000) 530 U.S. 466, 490
- In re Sutherland (1972) 6 Cal.3d 666, 668-672
- People v. Farwell (2018) 5 Cal.5th 295, 299-300
- People v. Sivongxxay (2017) 3 Cal.5th 151, 166
- People v. Collins (2001) 26 Cal.4th 297, 304-305
- Blakely v. Washington (2004) 542 U.S. 296
- People v. Ellis (2019) 43 Cal.App.5th 925, 944
- Make UC a Good Neighbor v. Regents of University of California (2024) 16 Cal.5th 43, 60-61 fn. 19
- People v. Villanueva (1991) 230 Cal.App.3d 1157, 1162
- People v. Childress (1987) 189 Cal.App.3d 1220, 1222