

IN THE SUPREME COURT OF CALIFORNIA

THE PEOPLE,
Plaintiff and Respondent,
v.
MIGUEL ALBERTO ESQUIVIAS,
Defendant and Appellant.

S286371

Second Appellate District, Division Two
B329800

Los Angeles County Superior Court
PA077370

August 17, 2026

Justice Groban authored the opinion of the Court, in which Chief Justice Guerrero and Justices Corrigan, Kruger, and Gooding* concurred.

Justice Evans filed a dissenting opinion, in which Justice Liu concurred.

* Associate Justice of the Court of Appeal, Fourth Appellate District, Division Three, assigned by the Chief Justice pursuant to article VI, section 6 of the California Constitution.

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A habeas corpus proceeding is equitable in nature, and a court “has broad authority to craft a remedy ‘as the justice of the case may require.’” (*In re Palmer* (2021) 10 Cal.5th 959, 976 (*Palmer*), quoting Pen. Code,¹ § 1484.) Petitioner Miguel Alberto Esquivias filed a petition for writ of habeas corpus in the Los Angeles County Superior Court alleging only that he was entitled to relief from his firearm enhancements under Senate Bill No. 620 (2017–2018 Reg. Sess.) (Senate Bill No. 620) (Stats. 2017, ch. 682), which granted trial courts discretion to strike these previously mandatory enhancements. The superior court ultimately granted relief on that sole claim by striking petitioner’s firearm enhancements. On appeal, petitioner argued that the superior court’s habeas corpus remedy, affecting one aspect of his sentence, entitled him to reconsideration of his entire sentence with the benefit of all relevant ameliorative laws. The Court of Appeal disagreed, explaining that a grant of habeas corpus relief is not an “‘all-or-nothing’ proposition” and “a trial court is *not* obligated to revisit a defendant’s *entire* sentence on habeas corpus review merely because it grants review to revisit a portion of that sentence.” (*People v. Esquivias* (2024) 103 Cal.App.5th 969, 976 (*Esquivias*).) We affirm the Court of Appeal’s decision. Since a full resentencing was neither

¹ Subsequent section numbers refer to the Penal Code unless otherwise specified.

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constitutionally nor statutorily compelled to remedy petitioner's specific claim for discretionary, retroactive sentencing relief pursuant to Senate Bill No. 620, the habeas corpus court had broad equitable authority to conclude that "the justice of the case" only required striking petitioner's firearm enhancements. (§ 1484.) Habeas corpus petitions must be assessed on a case-by-case basis, and this is not a case where petitioner's original sentence was constitutionally infirm or unauthorized.

I. FACTUAL AND PROCEDURAL HISTORY

In June 2013, petitioner fatally shot a rival gang member several times. Approximately two weeks after the killing, petitioner and his friend robbed two people at gunpoint. During the robbery, petitioner asked one of the victims for his gang affiliation.

In May 2015, a jury convicted petitioner of first degree murder (§ 187, subd. (a)), two counts of robbery (§ 211), and possession of a firearm by a felon (§ 29800, subd. (a)(1)). The jury found that the crimes, except the felon in possession count, were committed for the benefit of a criminal street gang (§ 186.22, subd. (b)), that a principal personally discharged a firearm causing death in connection with the murder (§ 12022.53, subds. (d), (e)), and that petitioner personally used a firearm and a principal was armed in the commission of the robberies (§§ 12022.5, subd. (a), 12022, subd. (a)). Petitioner admitted that he had suffered a prior conviction that qualified as a strike (§§ 667, subds. (b)–(j), 1170.12) and a prior serious felony conviction (§ 667, subd. (a)).

The trial court sentenced petitioner to prison for 37 years and 8 months, plus 75 years to life. As relevant, petitioner's firearm enhancements accounted for an indeterminate term of

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25 years to life, plus 13 years 4 months of his determinate sentence.

On July 26, 2017, the Court of Appeal affirmed petitioner’s judgment of conviction. We thereafter denied his petition for review on November 1, 2017. Senate Bill No. 620 then became effective after our decision to deny review but before petitioner’s time to petition for a writ of certiorari in the United States Supreme Court expired. As a result, the parties agree that petitioner’s judgment was not final on direct review when Senate Bill No. 620 took effect. Effective January 1, 2018, Senate Bill No. 620 amended sections 12022.53 and 12022.5 to provide trial courts, “in the interest of justice pursuant to Section 1385,” the discretion to “strike or dismiss” previously mandatory firearm enhancements. (Stats. 2017, ch. 682, §§ 1, 2; Pen. Code, §§ 12022.5, subd. (c), 12022.53, subd. (h).) Petitioner’s judgment became final on January 30, 2018.² (See *Esquivias*, *supra*, 103 Cal.App.5th at p. 974.)

On January 24, 2022, almost four years after his criminal judgment became final, petitioner, in propria persona, filed a petition for writ of habeas corpus in the Los Angeles County Superior Court seeking retroactive application of Senate Bill No. 620 pursuant to *Estrada*. (See *In re Estrada* (1965)

² Petitioner did not file a petition for writ of certiorari in the United States Supreme Court, so his judgment became final 90 days after we denied his petition for review. (See *People v. Vieira* (2005) 35 Cal.4th 264, 306.) Before the trial court, the district attorney incorrectly calculated the date of finality as February 27, 2018, and the superior court accepted this concession. However, this miscalculation has no impact on the analysis since it is undisputed that petitioner’s case was not final on direct review when Senate Bill No. 620 took effect on January 1, 2018.

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63 Cal.2d 740, 745, 747 (*Estrada*) [holding that, absent a contrary savings clause, ameliorative legislation is presumed to “apply to every case to which it constitutionally could apply,” i.e., all cases not “reduced to final judgment”].) In their informal response, the People (per the district attorney) conceded that Senate Bill No. 620 applied to petitioner’s case because his judgment was not final on appeal when it became effective. In a supplemental response, the People asserted that the superior court should not exercise its discretion to strike or dismiss petitioner’s firearm enhancements because “the interests of justice would not be served by doing so in this particular case.” In his reply, petitioner asked the court to favorably exercise its discretion under Senate Bill No. 620. He also raised for the first time a request for the court to dismiss his prior strike conviction (see *People v. Superior Court (Romero)* (1996) 13 Cal.4th 497 (*Romero*)). He additionally asked that the court dismiss his other enhancements, including his gang enhancements after applying Assembly Bill No. 333 (2021–2022 Reg. Sess.) (Assembly Bill No. 333) (Stats. 2021, ch. 699, § 4, eff. Jan. 1, 2022), which became effective after his case was final on direct review.

On February 24, 2023, at a hearing in petitioner’s habeas corpus matter, the superior court explained that the parties agreed petitioner had made a prima facie showing that he was entitled to relief, i.e., petitioner was entitled to an opportunity for the trial court to consider exercising its discretion to strike his firearm enhancements under Senate Bill No. 620. At a subsequent hearing in March 2023, the superior court first explained that petitioner’s habeas corpus petition sought “specific relief” under Senate Bill No. 620. The court rejected petitioner’s argument that he was entitled to a full resentencing

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with the benefit of all ameliorative laws “that have been enacted into law up to today’s date.” The court observed that petitioner’s case was final in 2018 and “limit[ed] this particular habeas petition’s scope to whether or not to exercise” discretion under Senate Bill No. 620. The court struck petitioner’s firearm enhancements, thereby reducing his sentence by 38 years and four months. The court rejected petitioner’s claim that he was entitled to full resentencing, which he argued should have resulted in the reduction of his sentence by over 40 more years. The court explained that any further reduction in petitioner’s sentence would “undermine the intentions of how I exercise this discretion today.”

Petitioner appealed, arguing again that, when the superior court exercised its discretion under Senate Bill No. 620 to strike his firearm enhancements, he was entitled to full resentencing with the benefit of all ameliorative laws that took effect after his judgment became final on direct review, including Assembly Bill No. 333 and Senate Bill No. 1393 (2017–2018 Reg. Sess.) (Senate Bill No. 1393). In relevant part, “Assembly Bill [No.] 333 [effective January 1, 2022] amended Penal Code section 186.22 by imposing new substantive requirements relating to gang enhancements” (*People v. Burgos* (2024) 16 Cal.5th 1, 7.) Senate Bill No. 1393, effective January 1, 2019 (Stats. 2018, ch. 1013), expanded a court’s discretion to dismiss a serious felony enhancement in furtherance of justice. The Court of Appeal disagreed with petitioner, holding that the habeas corpus court could strike petitioner’s firearm enhancements without rendering the remainder of petitioner’s sentence subject to reconsideration. (See *Esquivias, supra*, 103 Cal.App.5th at p. 980.) We granted review. In *People v. Duenas* (2025) 111 Cal.App.5th 553, review

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granted July 30, 2025, S291631 (*Duenas*), a divided Court of Appeal subsequently disagreed with *Esquivias*'s relevant reasoning, concluding instead that when a habeas corpus court strikes part of a sentence, it is "required to conduct a full resentencing" (*Duenas*, at p. 560) with the benefit of all intervening ameliorative laws. (See *id.* at p. 563.)

We affirm the Court of Appeal's decision below and disapprove *Duenas*'s broad proposition that a habeas corpus petitioner is *always* entitled to full resentencing whenever a habeas corpus court grants relief as to a portion of a petitioner's sentence. While some habeas corpus claims may require vacating a petitioner's entire sentence (see *People v. Padilla* (2022) 13 Cal.5th 152 (*Padilla*) [discussed *post*]), petitioner's claim for retroactive relief under Senate Bill No. 620's statutory amendments did not. When presented with a meritorious habeas corpus claim, the court necessarily assesses the appropriate remedy on a case-by-case basis.

II. DISCUSSION

"The court will determine the appropriate disposition of a petition for writ of habeas corpus based on the allegations of the petition as originally filed and any amended or supplemental petition for which leave to file has been granted." (*In re Clark* (1993) 5 Cal.4th 750, 781, fn. 16.) It is "improper to state new claims or theories for the first time in the informal reply or traverse." (*In re Reno* (2012) 55 Cal.4th 428, 444 (*Reno*).) Applying these accepted pleading principles here, petitioner admits the superior court was initially required only to consider "the sole issue raised" in his habeas corpus petition, i.e., whether he was entitled to seek relief from his firearm enhancements under Senate Bill No. 620.

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Where the parties disagree is on the question of what is required when a habeas corpus court determines partial resentencing is an appropriate remedy for the specific claim before it. According to petitioner, “because a criminal sentence constitutes an integrated whole,” once the superior court decided to strike his firearm enhancements, it “effectively vacated [petitioner’s] entire sentence, which rendered the sentence nonfinal” for purposes of applying all applicable ameliorative laws. In petitioner’s view, which is echoed by the dissent, the court could have maintained finality by leaving his sentence intact, but its exercise of discretion with respect to part of his sentence triggered entitlement to full resentencing with *Estrada*’s presumption of retroactivity. (See *Estrada, supra*, 63 Cal.2d at pp. 745, 747; see also dis. opn. of Evans, J., *post*, at pp. 8–10.) Petitioner alleges that his judgment was reopened and he is thus entitled to the benefit of all ameliorative laws, including Assembly Bill No. 333 and Senate Bill No. 1393, which became effective *after* his criminal judgment was final on direct review in January 2018.

The People instead argue that the question of “whether a judgment becomes nonfinal on habeas corpus will depend on the particular remedy fashioned by the court.” The People concede that, if a particular claim requires vacating a petitioner’s entire sentence, “then the judgment is nonfinal and the petitioner is entitled to full resentencing.” However, “not all habeas remedies operate in a way that makes a once-final judgment nonfinal.”

We reject petitioner’s and the dissent’s sweeping proposition that, in *all* cases, any habeas corpus remedy affecting part of a petitioner’s sentence requires the habeas corpus court to conduct a full resentencing. “The applicable

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procedure [in a habeas corpus matter] generally has depended upon the nature of the relief sought in the petition.” (*In re Roberts* (2005) 36 Cal.4th 575, 583, italics omitted.) The Court of Appeal below properly concluded that petitioner’s claim for habeas corpus relief under Senate Bill No. 620’s statutory amendments did not leave the habeas corpus court with an “ ‘all-or-nothing’ ” choice, thereby requiring the court to resentence petitioner in full or not at all. (*Esquivias, supra*, 103 Cal.App.5th at p. 976.) Rather, “habeas corpus is, at its core, an equitable remedy.” (*Schlup v. Delo* (1995) 513 U.S. 298, 319.) Under well-established habeas corpus principles, “[a] court considering a petition for writ of habeas corpus has broad authority to craft a remedy ‘as the justice of the case may require.’ ” (*Palmer, supra*, 10 Cal.5th at p. 976, quoting § 1484.) “ ‘[I]t is well settled that the writ of *habeas corpus* does not afford an all-inclusive remedy available at all times as a matter of right.’ ” (*People v. Villa* (2009) 45 Cal.4th 1063, 1068–1069; cf. *Reno, supra*, 55 Cal.4th at p. 451 [“ ‘ “the availability of the writ properly must be tempered by the necessity of giving due consideration to the interest of the public in the orderly and reasonably prompt implementation of its laws and to the important public interest in the finality of judgments” ’ ”].) It may well be that the equities of a particular case require the habeas corpus court to vacate a petitioner’s entire sentence and conduct a full resentencing, applying all relevant ameliorative laws, but that will not *always* be the case. Rather, a court’s

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determination of the most appropriate equitable remedy in a habeas corpus matter is a case- and fact-specific inquiry.³

Our dissenting colleagues would have us employ a one-size-fits-all approach that is at odds with the traditional flexibility afforded to habeas corpus courts to meet the demands of a particular case. The dissent criticizes the majority for not citing a “single case” (dis. opn. of Evans, J., *post*, at p. 18) that is directly on point. But this is occasioned by the fact, recognized by the dissent and with which we agree, that the procedural posture here is “rare and idiosyncratic.” (*Id.* at p. 25.) More to the point, *Estrada* has been binding precedent for 60 years, and habeas corpus relief has been available for much longer. If the issue before us is as “straightforward” (*id.* at p. 5) as the dissent suggests, thereby necessitating a simple application of the full resentencing rule, then the dissent should be able to cite myriad habeas corpus cases where full resentencing has occurred on similar facts. But it cannot.

The dissent’s analysis suffers from one fatal flaw at its inception. The dissent asserts that “the only way the superior court could afford relief was to initiate a new sentencing

³ The dissent argues that our “bespoke rule has several potential drawbacks if applied more generally to cases involving partial sentencing relief after a grant of a habeas corpus petition.” (Dis. opn. of Evans, J., *post*, at p. 4.) As an initial matter, we do not understand why the dissent would try to broaden the potential impact of a decision that it thinks is so patently incorrect. But, more to the point, we mean what we say: this case arises under a unique procedural history; our holding should not be “applied more generally” given that habeas corpus relief is claim specific; and our holding is (as the Attorney General agrees) specific to petitioner’s state statutory claim pursuant to *Estrada*.

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hearing” (dis. opn. of Evans, J., *post*, at p. 3) because habeas corpus courts have no authority “to define the scope of a sentencing court’s jurisdiction to conduct resentencing or to determine the application of *Estrada* retroactivity” (*id.* at p. 5). This is simply incorrect in the context of a petitioner who raised a single habeas corpus claim for discretionary, statutory relief under *Estrada*’s presumption of retroactivity to nonfinal judgments from his concededly valid, final judgment. (See *Estrada, supra*, 63 Cal.2d at pp. 745, 747.) But once the dissent embraces this faulty premise, then all its conclusions seemingly “fall into place:” this case requires a basic application of *Estrada*; *Estrada* should be applied broadly; the full resentencing rule requires that every aspect of petitioner’s sentence be reconsidered. (See dis. opn. of Evans, J., *post*, at pp. 1–2, 5–8.) This reasoning gets it wrong at the crucial first step. Because petitioner’s judgment was final, absent a petition for writ of habeas corpus in the superior court, petitioner had no avenue to assert his claim for discretionary, retroactive sentencing relief under Senate Bill No. 620 pursuant to *Estrada*. If, as the dissent maintains, a habeas corpus court is unable to assume jurisdiction and “determine the application of *Estrada* retroactivity” (dis. opn., at p. 5), then petitioner’s *Estrada* claim would have failed at the outset because it depended on just such a determination. Nor is a habeas corpus court, having determined that a remedy is warranted, obligated in the situation presented here to reopen a sentence for all purposes instead of ordering tailored relief. Our case law affords habeas corpus courts greater flexibility than the dissent’s position

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would allow them.⁴ (See, e.g., *Palmer*, *supra*, 10 Cal.5th at p. 976; *In re Roberts*, *supra*, 36 Cal.4th at p. 583.) Without recognizing the fault in its underlying premise that the habeas corpus court could not determine the appropriate scope of sentencing relief and *Estrada*'s application, the dissent asks us to adopt an ever-shifting formulation of finality under *Estrada* for purposes of this case: (1) a petitioner seeks habeas corpus relief under *Estrada* only because his judgment is already final and he cannot be aided on direct appeal; then (2) after the habeas corpus court exercises its discretion to aid petitioner post-finality; (3) a pivot to a new finality date for *Estrada* (which now is after the time he asserted his case was final for purposes of (1)). Contrary to the dissent's circular logic, and for reasons explained in greater detail below, our holding better honors *Estrada*'s presumption that "new laws that lessen punishment

⁴ As noted, habeas corpus proceedings are equitable in nature. The high court has "said that courts of equity 'must be governed by rules and precedents no less than the courts of law.' . . . [But] often the 'exercise of a court's equity powers . . . must be made on a case-by-case basis.'" (*Holland v. Florida* (2010) 560 U.S. 631, 649–650, citation omitted.) The high court has "followed a tradition in which courts of equity have sought to 'relieve hardships which, from time to time, arise from a hard and fast adherence' to more absolute legal rules, which, if strictly applied, threaten the 'evils of archaic rigidity.'" (*Id.* at p. 650.) We, too, recognize that habeas corpus courts should "exercise judgment in light of prior precedent, but with awareness of the fact that specific circumstances, often hard to predict in advance, could warrant special treatment in an appropriate case." (*Ibid.*) This is such an "appropriate case" and the habeas corpus court was not limited to a rigid, all-or-nothing choice between providing no relief to petitioner or fully resentencing him.

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apply retroactively to all defendants whose judgments are not final” (dis. opn. of Evans, J., *post*, at p. 1), better preserves society’s interest in the finality of judgments (see *Reno, supra*, 55 Cal.4th at p. 451), and best maintains a habeas corpus court’s traditional flexibility to fashion relief as the justice of a particular case may require (see *Palmer*, at p. 976).

The dissent also criticizes our case-specific affirmance of the habeas corpus court’s tailored grant of relief as “significantly more complicated” (dis. opn. of Evans, J., *post*, at p. 3) than the dissent’s “easy-to-apply” approach. (*Id.* at p. 5.) We disagree with the premise that our framework is more complicated. But even accepting the dissent’s view, our job is to interpret the law as dictated by precedent and statute, even if that interpretation requires a more “complicated” approach. We are also more confident than our dissenting colleagues in the ability of our lower courts to understand and apply our holding going forward. (See *id.* at pp. 21–23.) Moreover, it is certainly the case that the dissent’s proposed interpretation may inure to petitioner’s benefit in this individual matter. But its one-size-fits-all approach to sentencing steals from the habeas corpus court, sitting in equity, the opportunity to fashion tailored relief on a case-by-case basis as justice requires. We think it ill advised to sacrifice equity for simplicity.

In support of their contrary position, petitioner and the dissent rely on our decisions in *Padilla, supra*, 13 Cal.5th 152 and *People v. Lopez* (2025) 17 Cal.5th 388 (*Lopez*). Those cases are readily distinguishable.

The dissent posits that “[t]he case that most clearly articulates the governing principles of finality here” and “the proper application of *Estrada*” is *Padilla*. (Dis. opn. of Evans,

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J., *post*, at p. 8.) The dissent boldly states that *Padilla* stands for the broad proposition that, “[s]imply put, habeas corpus relief resulting in a modification of sentence renders a case nonfinal.” (Dis. opn. of Evans, J., *post*, at p. 9.) But *Padilla* did not consider whether a habeas corpus court that credits a delayed claim for statutory relief under *Estrada* must fully resentence the petitioner. (See *B.B. v. County of Los Angeles* (2020) 10 Cal.5th 1, 11 [“As we have repeatedly observed, ‘“cases are not authority for propositions not considered” ’”].) In fact, *Padilla* actually lends support to our conclusion here that, on *different* facts, the remedy for the specific habeas corpus claim pled and proven will necessitate vacating the petitioner’s sentence and thereby unwinding its finality for purposes of applying intervening ameliorative laws. The *Padilla* petitioner, who had been sentenced to life without the possibility of parole as a juvenile, came before our court on appeal after his original sentence was deemed *unconstitutional* and *vacated* in habeas corpus proceedings. (See *Padilla, supra*, 13 Cal.5th at p. 159; see also *Miller v. Alabama* (2012) 567 U.S. 460 [holding that mandatory life without parole sentences for juvenile offenders violate the 8th Amend.], *Montgomery v. Louisiana* (2016) 577 U.S. 190, 208 [concluding that “*Miller* announced a substantive rule of constitutional law” that is retroactive in cases on collateral review].) This court in *Padilla* explained that “a criminal judgment’s finality *may be* interrupted by a subsequent habeas corpus action When a habeas corpus court *vacates a prior judgment and orders a new trial or new sentencing hearing*, the prior judgment — now ineffective — can no longer be a final one [for purposes of *Estrada*’s inference of retroactivity for ameliorative laws].” (*Padilla, supra*, 13 Cal.5th at p. 164, italics added.) In discussing why the retroactive

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application of ameliorative laws was appropriate in *Padilla*, we emphasized, “[w]hen a defendant’s sentence *has been vacated*, the parties’ interests in repose and finality are necessarily diminished; at that point, the countervailing interest in effectuating current legislative policy decisions may appropriately control.” (*Id.* at p. 168, italics added.) The same cannot be said here. As the dissent concedes, “[t]o be sure, Esquivias’s case *was* final.” (Dis. opn. of Evans, J., *post*, at p. 9.) Petitioner’s sole claim in his habeas corpus petition was that though his case was long-since final, he was nonetheless entitled to relief because his case was not final when Senate Bill No. 620 became effective. In other words, petitioner’s habeas corpus action reinforced that his criminal judgment was final on direct review in 2018 and the parties’ interest in finality was in no way diminished by petitioner’s limited *Estrada* claim or the remedy ultimately granted to redress his claim. On these facts, it cannot be said, as the dissent would have us say, that finality was “‘interrupted.’” (Dis. opn. of Evans, J., *post*, at p. 9.) It is the dissent who, in fact, “completely ignores” (*id.* at p. 10) the distinct procedural posture in *Padilla*.

Because the *Padilla* petitioner’s original sentence was unconstitutional, “the justice of the case” (§ 1484) necessitated that it be vacated and, as the Attorney General concedes, “[i]n that event,” his judgment rightly “returned to nonfinal status,” interrupting finality. As the Court of Appeal explained, “[i]n *Padilla*, the question was the effect of an earlier order on a habeas corpus petition that had already vacated the defendant’s entire sentence (*Padilla, supra*, 13 Cal.5th at p. 158); here, the question is whether a court is required to vacate the entire sentence in the first place.” (*Esquivias, supra*, 103 Cal.App.5th

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at p. 979.)⁵ The answer to that question in this matter is “no.” After imposition of petitioner’s sentence, Senate Bill No. 620 simply expanded the trial court’s discretion to strike firearm enhancements to his potential benefit. (Cf. *People v. Stamps* (2020) 9 Cal.5th 685, 696 [the appellant’s claim for relief pursuant to *Estrada* under ameliorative legislation conferring greater discretion to trial courts to strike serious felony enhancements did “not constitute an attack on the validity of his plea because the claim does not challenge his plea as defective when made”].) Petitioner acknowledges that his original sentence was constitutional and did not need to be vacated by admitting that the superior court could have completely declined to exercise its discretion under Senate Bill No. 620 and left his original sentence undisturbed. And we are not persuaded by petitioner’s circular logic, which is echoed by Amici Curiae the California Public Defenders Association and the California Attorneys for Criminal Justice, as well as our dissenting colleagues, that the superior court’s choice to exercise its discretion under Senate Bill No. 620 to strike the firearm enhancements, in turn, required the court to “reconsider the sentence as a whole” as though it had been vacated. Instead, the superior court could conclude “the justice of the case”

⁵ Contrary to the dissent’s logic, this is not about whether the “magic word ‘vacate’” was uttered by the trial court. (Dis. opn. of Evans, J., *post*, at p. 4.) Instead, it is in recognition that *Padilla* arose in a completely different context, i.e., in light of binding United States Supreme Court precedent regarding the sentencing of juveniles — the sentence that was imposed in *Padilla* of life without the possibility of parole as a juvenile was unconstitutional in toto.

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(§ 1484) required a more targeted approach to remedy petitioner's claim pursuant to Senate Bill No. 620.

Petitioner's and the dissent's reliance on our decision in *Lopez, supra*, 17 Cal.5th 388 for the sweeping proposition that any modification to a sentence on habeas corpus "reopens the entire case" (dis. opn. of Evans, J., *post*, at p. 7) fares no better. Petitioner and the dissent argue that *Lopez's* reasoning supports the view that the habeas corpus court could not divide petitioner's judgment for finality purposes. (See dis. opn. of Evans, J., *post*, at pp. 2, 7, 13–14.) According to petitioner, the Attorney General's "insistence that every aspect of [his] sentence other than the firearm enhancements remained final sidesteps" *Lopez's* articulation of "the *Estrada* inquiry, which asks 'whether the criminal prosecution or proceeding *as a whole* is complete.'" But crucially, *Lopez* did not involve habeas corpus proceedings collaterally attacking a *final* judgment. Rather, in *Lopez*, on direct review, the Court of Appeal affirmed appellant Oscar Lopez's convictions, but remanded "to the trial court for further sentencing." (*Lopez*, at p. 393.) While awaiting resentencing, Assembly Bill No. 333 took effect. (*Lopez*, at p. 394.) However, the trial court declined to apply its provisions to Lopez's case "on the ground that [Lopez's] conviction was final" for *Estrada* purposes. (*Ibid.*) We rejected this premise under our well-established precedent, explaining that "[a] case is final when 'the courts can no longer provide a remedy to a defendant on direct review.'" [Citation.] For *Estrada* purposes, the 'judgment' means the "'judgment of conviction" ' and the sentence." (*Id.* at p. 395, last italics added.) "Because *Estrada* requires ameliorative legislation to be applied as broadly as constitutionally permissible, and because Lopez's judgment was not reduced to a final disposition, his case [wa]s not final for

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purposes of *Estrada*.” (*Id.* at p. 400.) Lopez was therefore “entitled to retroactive application of Assembly Bill [No.] 333’s substantive changes.” (*Ibid.*) We observed in closing, “It would tax judicial resources to require defendants like Lopez to take a *second appeal* to secure a *second remand* to the superior court in order to obtain any relief to which they may be entitled.” (*Ibid.*, italics added.)

Here, unlike the ongoing direct appeal in *Lopez* (the more typical procedural posture for an *Estrada* claim) that prevented Lopez’s judgment from being reduced to a final disposition, petitioner conceded in his habeas corpus petition that his criminal judgment had been final on direct review for nearly four years, i.e., the remittitur had issued and “‘the courts [could] no longer provide a remedy to [petitioner] on direct review.’” (*Lopez, supra*, 17 Cal.5th at p. 395.) As we have said, “[a] habeas corpus proceeding is” “an independent, collateral challenge to an earlier, completed criminal prosecution.” (*Maas v. Superior Court* (2016) 1 Cal.5th 962, 975, italics added.) “[A] petition for a writ of habeas corpus seeks to collaterally attack a presumptively final criminal judgment” (*People v. Duvall* (1995) 9 Cal.4th 464, 474.) Where petitioner admitted his judgment was reduced to a final and authorized disposition in 2018, the habeas corpus court could conclude that petitioner was not automatically entitled to the benefit of all ameliorative legislation that was enacted *after* that valid 2018 finality date. This situation is wholly distinct from *Lopez*, where ameliorative legislation became effective *while the appeal was still pending on direct review*. (Cf. *In re Cook* (2019) 7 Cal.5th 439, 452 [explaining that “resort to habeas corpus” was unnecessary because the petitioner had “a plain, speedy, and adequate remedy at law”].) For these reasons, petitioner’s and the

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dissent's reliance on *Lopez's* statements about *Estrada's* application to *nonfinal* criminal judgments do not answer the distinct question presented in this habeas corpus matter.

Nor do we read *In re Cortez* (1971) 6 Cal.3d 78 (*Cortez*) as requiring a different habeas corpus procedure here, as the dissent would have us do. (See dis. opn. of Evans, J., *post*, at pp. 10–11.) In *Cortez*, similar to *Padilla*, the habeas corpus petitioner sought retroactive relief following our decision in *People v. Tenorio* (1970) 3 Cal.3d 89 (*Tenorio*), in which we invalidated as *unconstitutional* a statute preventing the sentencing court from striking prior narcotics convictions without the approval of the district attorney. We held that if the habeas corpus court decided to strike a prior conviction, it should vacate the sentence. (*Id.* at p. 89.) But, as stated, unlike in *Cortez*, petitioner was not originally sentenced under any unconstitutional statute. Rather, he belatedly sought only the retroactive benefit of Senate Bill No. 620 pursuant to *Estrada's* logic (because his judgment was not final until January 30, 2018). We see no inconsistency between our limited holding here and our holding in *Cortez*, both of which provide procedures well-suited to “the *nature* of the relief sought in the petition.” (*In re Roberts, supra*, 36 Cal.4th at p. 583.)

If anything, *Cortez, supra*, 6 Cal.3d 78 contradicts the dissent's stance that the habeas corpus court “had no authority” to strike petitioner's firearm enhancements (dis. opn. of Evans, J., *post*, at p. 3). Petitioner's counsel and the dissent express concern that habeas corpus courts, or “nonsentencing courts” (*id.* at p. 16), especially appellate habeas corpus courts, are ill-equipped to make resentencing decisions. (See *id.* at pp. 14–23.) But *Cortez* makes clear (see *Cortez*, at p. 88) that habeas corpus claims like petitioner's should always originate in the superior

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court that rendered judgment and “[t]he superior court that rendered the judgment *is best equipped* to consider the claim in the first instance, to hold an evidentiary hearing when necessary, and *to grant relief* if appropriate.” (*Robinson v. Lewis* (2020) 9 Cal.5th 883, 895, italics added; see also *ibid.* [“A higher court ‘has discretion to deny without prejudice a habeas corpus petition that was not filed first in a proper lower court’ ”].) As the dissent points out, “in *Cortez*, we emphasized that the sentencing court was the appropriate jurisdiction for resolving the habeas claim and the potential resentencing ‘since the sentencing court has the files which are necessary’ to adjudicate the claim. (*Cortez, supra*, 6 Cal.3d at p. 88, fn. 9.)” (Dis. opn. of Evans, J., *post*, at p. 22.) The additional cases relied on by the dissent only reinforce this principle. (See *id.* at pp. 11, 26, citing *People v. Belmontes* (1983) 34 Cal.3d 335, 348, fn. 8 (*Belmontes*) [a habeas corpus petition alleging “a court may have been influenced by an erroneous understanding of the scope of its sentencing powers” should “be filed in the sentencing court”]; *Romero, supra*, 13 Cal.4th at p. 530, fn. 13 [a habeas corpus petition seeking retroactive discretionary relief under our holding should be filed in the sentencing court].) For this reason, the dissent’s concerns about habeas corpus courts making uninformed sentencing decisions, lacking an appropriate record, or “ceding California sentencing authority to federal courts” (dis. opn. of Evans, J., *post*, at p. 21) are misplaced.⁶ Petitioner correctly presented his claim for

⁶ The dissent does not quarrel with, nor could it, the well-accepted proposition that habeas corpus claims like petitioner’s should always originate in the superior court that rendered judgment. (See dis. opn. of Evans, J., *post*, at p. 21.) Instead,

discretionary sentencing relief pursuant to *Estrada* and Senate Bill No. 620 in the “superior court that rendered the judgment.” (*Robinson*, at p. 895.) In *Cortez*, after identifying the superior court as the proper habeas corpus venue, we directed the habeas corpus court to both determine whether to strike the prior convictions at issue and, if the court did so, to resentence the petitioner. (*Cortez*, at p. 89.) The same result was appropriate here.⁷

the dissent posits various hypotheticals not presented here. For example, the dissent asserts that petitioner “might have argued . . . that his appellate counsel was ineffective” and thereby could have transformed his claim into a federal constitutional claim. (*Ibid.*) But petitioner did not raise any such claim. This case concerns only state courts applying state law. Nothing in this opinion addresses the division of authority between state courts and a federal habeas corpus court that grants relief to a state prisoner. (See 28 U.S.C. § 2254; *Gunn v. Ignacio* (9th Cir. 2001) 263 F.3d 965, 971 [“we do not constrain the state’s determination of how to formulate the relief.”].) The dissent’s hypothetical argument about a distinct type of claim not raised here has no bearing on our analysis.

⁷ While we directed the habeas corpus courts in *Cortez* to “vacate the sentence” after favorably exercising discretion, it was necessary to do so because the prior convictions at issue affected the petitioners’ eligibility for probation and striking a prior conviction “substantially affect[ed] the rights of the defendant.” (*Cortez, supra*, 6 Cal.3d at pp. 83, 89.) Petitioner makes no claim that his firearm enhancements had any similar impact on his overall sentence. Again, petitioner’s sentence was validly imposed and the habeas corpus court was not constitutionally compelled to revisit it, as were the habeas corpus courts in *Cortez*. In addition, as the dissent acknowledges, *Cortez* predated “cases detailing the full resentencing rule” (dis. opn. of Evans, J., *post*, at p. 11), so our

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In advocating for the result we adopt, the People underscore the Court of Appeal’s observation that constraining a habeas corpus court to an all-or-nothing choice under the circumstances of petitioner’s case “may end up hurting defendants.” (*Esquivias, supra*, 103 Cal.App.5th at p. 978, italics omitted.) This is so, the Court of Appeal reasoned, because a court may be hesitant to resentence on one component of the sentence if this means that the court is then legally compelled to resentence the petitioner with respect to other facets of the sentence. (See *id.* at p. 972.) While we need not accept this premise as true in order to reach our holding, it is worth acknowledging the possibility that petitioner’s (and the dissent’s) proposed approach may, in some instances, actually work to a petitioner’s detriment. If a habeas corpus court is confined to an all-or-nothing choice of full resentencing or no resentencing at all when a petitioner belatedly seeks the benefit of statutorily conferred sentencing *discretion* directed at a portion of his or her sentence, then the “justice of the case” (§ 1484) calculus for the habeas corpus court looks very different. Unlike an unauthorized sentence, which is subject to correction by a habeas corpus court at any time, the habeas corpus court here was not required to revisit petitioner’s valid

direction to vacate a habeas corpus petitioner’s sentence after exercising discretion to strike a prior conviction did not implicate the core issues facing the court here. We also reject the dissent’s reliance on *People v. Superior Court (Guevara)* (2025) 18 Cal.5th 838. *Guevara* considered the application of section 1172.75, which, as the dissent admits, “is distinct from habeas corpus in that it contains an explicit requirement to apply changes in law during resentencing.” (Dis. opn. of Evans, J., *post*, at p. 12.)

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sentence. (Cf. *In re Harris* (1993) 5 Cal.4th 813, 840 [“ ‘Fundamental jurisdictional defects [i.e., acts in excess of jurisdiction], like constitutional defects, do not become irremediable when a judgment of conviction becomes final, *even after affirmance on appeal*’ ”].) Petitioner raised his statutory claim almost four years after his case became final and four years after the relevant statute became effective. The Attorney General could have asked the court to deny the petition at the outset as untimely. (See *In re Robbins* (1998) 18 Cal.4th 770, 780 [courts will not entertain habeas corpus claims that are untimely].) Instead, the parties and the habeas corpus court agreed petitioner made a prima facie showing that Senate Bill No. 620 applied to his case. And, as petitioner concedes, the habeas corpus court could have lawfully applied Senate Bill No. 620 on the merits and decided to afford no relief at all, maintaining his original sentence. But as a remedy, the habeas corpus court equitably concluded the justice of the case warranted striking petitioner’s firearm enhancements, reducing his sentence by more than 38 years. Again, petitioner’s sentence was authorized when it was imposed and, as petitioner concedes, it would continue to be permissible under current law. (Cf. *People v. Scott* (1994) 9 Cal.4th 331, 356, fn. 18 [“We have concluded that defects in the court’s discretionary sentencing choices and statement of reasons do not result in an ‘unauthorized sentence’ ”].) The habeas corpus court’s act in equity to strike petitioner’s firearm enhancements did not mandate that petitioner’s lawful sentence be completely revisited. The court did not have to then entertain petitioner’s

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argument that he was entitled to a reduction of his sentence by another 40-plus years pursuant to other laws.⁸

Again, our opinion is confined to the unusual circumstances of petitioner's case. Habeas corpus is an extraordinary remedy that permits individuals to collaterally attack their final criminal judgments four, 14, or even 40 years after finality and, as the Attorney General has conceded, every

⁸ As an additional argument, the dissent urges us to remand because the trial court erroneously concluded that it “lacked jurisdiction” (dis. opn. of Evans, J., *post*, at p. 15) to apply other ameliorative laws. (See also *id.* at p. 15, fn. 5.) While the habeas corpus court said “I don’t believe that’s my jurisdiction to do that right now” in reference to applying laws effective after petitioner’s case became final, the habeas corpus court made clear that it would choose to grant no relief whatsoever if forced to apply post-finality ameliorative laws. More specifically, the habeas corpus court expressly stated that it was “not going beyond” striking the firearm enhancements and “to downgrade and reduce that overall sentence left behind from today’s ruling, it would further undermine the intentions of how I exercise this discretion today.” We do not perceive any ambiguity in the habeas corpus court’s statements nor any “uncertain[ty]” in what the habeas corpus court would have done if forced to apply post-finality ameliorative laws (see *contra*, dis. opn. of Evans, J., *post*, at p. 15, fn. 5). Nor do we agree with the dissent’s view that the additional relief sought by petitioner was of such insignificance that it would not have impacted the trial court’s decision to strike the firearm enhancements. (See *ibid.*) Petitioner sought to have his sentence markedly reduced by an additional 18 years, four months under Assembly Bill No. 333 and Senate Bill No. 1393. (See *post*, at p. 24; see also *ante*, at pp. 5, 7.) The court clearly explained that it would *not* contemplate a further reduction in petitioner’s sentence. Since we agree with the habeas corpus court that it did not have to apply post-finality ameliorative laws, the habeas corpus court did not act under any misunderstanding that might merit a remand.

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habeas corpus case is different. Petitioner’s claim for statutory relief pursuant to *Estrada* is one that most typically would be raised on direct appeal before an individual’s judgment becomes final. (See, e.g., *People v. Hargis* (2019) 33 Cal.App.5th 199, 209 [“Senate Bill No. 620 and the associated amendment to section 12022.53 apply retroactively to *nonfinal* cases”].) Here, however, the issue presented arose under a unique set of circumstances: Senate Bill No. 620 became effective in the narrow window of time between when our court denied petitioner’s petition for review on direct appeal and the time to seek certiorari in the United States Supreme Court expired. As a result, petitioner’s claim evaded detection on direct appeal before finality, when resentencing could have occurred expeditiously. But, as stated, rather than bar petitioner from seeking habeas corpus relief pursuant to *Estrada* from his long-final judgment under these unique circumstances, the habeas corpus court exercised its equitable authority to entertain petitioner’s claim and grant a remedy that reduced his sentence by nearly four decades. In effectuating this remedy, the habeas corpus court was not required to consider petitioner’s new contentions that he was entitled to have his gang enhancements dismissed and his prior serious felony enhancement dismissed (reducing his sentence by an additional 18 years, four months) under ameliorative laws that became effective *after* finality.

Our dissenting colleagues contend that our holding “is inconsistent with uniform sentencing” and “two defendants, sentenced in the same court on the same day for identical conduct, may receive wildly disparate sentences.” (Dis. opn. of Evans, J., *post*, at p. 4.) But this is not so. Petitioner was sentenced in 2015 and his appeal was final for *Estrada* purposes on direct review in 2018. Another defendant sentenced on the

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same day in 2015 whose judgment became final in 2018 would not be eligible for habeas corpus relief under Assembly Bill No. 333 pursuant to *Estrada* because his or her case, like petitioner's, was final before Assembly Bill No. 333 became effective in 2022. (See *Estrada, supra*, 63 Cal.2d at p. 746 [“the Legislature must have intended that the amendatory statute should operate in all cases not reduced to final judgment *at the time of its passage*” (italics added)].) Had petitioner raised his claim for *Estrada* relief under Senate Bill No. 620 in the normal course (on appeal), he would have been entitled to a straightforward application of *Estrada*. But he did not. So the habeas corpus court, acting in equity, essentially treated his habeas corpus petition as if he had raised his Senate Bill No. 620/*Estrada* claim in a timely manner on direct appeal — and granted discretionary relief on that basis. Stated differently, had petitioner raised this issue in a timely fashion in 2018, he clearly would not have been entitled to relief pursuant to statutes that had not even been enacted yet. But that is the very relief petitioner now seeks. To require the habeas corpus court to order such expansive relief, as petitioner and the dissent would have us do, would go far beyond correcting the *Estrada* error identified by petitioner in his writ petition and provide him with a windfall unavailable to similarly situated defendants convicted of the same offenses at the same time. The dissent's position is more likely to promote the disparate sentencing and “uncertainty” (dis. opn. of Evans, J., *post*, at p. 5) it proclaims to guard against.

We also observe that the plain language of Senate Bill No. 620 reinforces our conclusion that a full resentencing hearing was not required here. Subdivision (h) of section 12022.53 states: “The court may, in the interest of justice

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pursuant to Section 1385 and *at the time of sentencing*, strike or dismiss an enhancement otherwise required to be imposed by this section. The authority provided by this subdivision applies to *any resentencing that may occur pursuant to any other law.*” (Italics added.) According to petitioner, this italicized language “shows the Legislature understood that a grant of a petition for writ of habeas corpus would result in a complete resentencing.” But this argument reverses the plain language of subdivision (h). As the People assert in their briefing, “The fact that subdivision (h) applies when full resentencing is independently required under another law does not mean that modification of a sentence solely due to subdivision (h) calls for resentencing under other laws.” For reasons explained *ante*, petitioner’s unique habeas corpus claim for discretionary statutory relief under Senate Bill No. 620 did not necessitate “resentencing” as contemplated by subdivision (h) — in this limited context, the habeas corpus court could simply strike the firearm enhancements. In the absence of any statutory language calling for full resentencing under such circumstances, we will not read the statute to require one.⁹ (See *People v.*

⁹ Nor are we persuaded by the dissent’s position that statutory resentencing provisions not at issue in this habeas corpus matter support a different holding. (See dis. opn. of Evans, J., *post*, at pp. 24–29.) Petitioner could not pursue relief from his firearm enhancements under sections 1172.1, 1172.7 and 1172.75, and the Legislature’s intent in expanding resentencing pursuant to these statutes does not shed light on petitioner’s circumstances. As the dissent explains, “Senate Bill 620, unlike resentencing under sections 1172.1, 1172.7, and 1172.75, did not create its own retroactive mechanism for resentencing relief.” (Dis. opn. of Evans, J., *post*, at p. 24.) Thus, petitioner relied on *Estrada* to seek retroactive application of

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Blackburn (2015) 61 Cal.4th 1113, 1123 [in questions of statutory interpretation, courts “begin with the text” and “[i]f no ambiguity appears in the statutory language, we presume that the Legislature meant what it said, and the plain meaning of the statute controls’ ”]; cf. *People v. Buycks* (2018) 5 Cal.5th 857, 893–894 (*Buycks*) [where Prop. 47 created a statutory procedure to “petition for a *recall* of sentence” (§ 1170.18, subd. (a), italics added), “the resentencing court ha[d] jurisdiction to modify *every* aspect of the sentence”].) The Legislature knows how to provide for full resentencing, and it did not do so for petitioner under the terms of section 12022.53, subdivision (h).¹⁰

Senate Bill No. 620 and, as explained *ante*, the habeas corpus court’s grant of relief was appropriately tailored to that claim.

¹⁰ Petitioner also argues that section 12022.53, subdivision (h)’s reliance on “Section 1385” to empower courts to dismiss an enhancement necessitates the conclusion that his judgment became nonfinal because “the power to dismiss under section 1385 must be exercised before a judgment is final.” In support of this argument, petitioner cites *People v. Chavez* (2018) 4 Cal.5th 771, 777, where we held that a court may not “exercise its dismissal power under section 1385 . . . after judgment is final.” (*Ibid.*) *Chavez* arose from a freestanding request to dismiss prior convictions pursuant to section 1385 “when the action is no longer before the court.” (*Chavez*, at p. 781.) Its reasoning does not control the distinct question here as to whether, when a matter is “before the court” in a habeas corpus proceeding, the court may exercise discretion pursuant to the terms of section 12022.53, subdivision (h). Arguably, if we were to adopt petitioner’s position, then he would not be entitled to *any* relief via section 1385 (pursuant to § 12022.53, subd. (h)) because his judgment was admittedly final when he filed his petition for writ of habeas corpus. But, as we conclude, under well-established habeas corpus principles, the superior

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(See contra, e.g., §§ 1172.1, subd. (a)(1) [upon the recommendation of certain designated parties, a trial court may recall a sentence and commitment and “resentence the defendant in the same manner as if they had not previously been sentenced”], 1172.75, subd. (d)(2) [“The court shall apply the sentencing rules of the Judicial Council and apply any other changes in law that reduce sentences or provide for judicial discretion so as to eliminate disparity of sentences and to promote uniformity of sentencing”].)¹¹

Finally, we are unpersuaded by the dissent’s position that the principles animating the full resentencing rule dictate a different outcome under the particulars of this habeas corpus matter. (See dis. opn. of Evans, J., *post*, at pp. 5–8.) As described *ante*, the habeas corpus court was *not* initially required to reconsider its original sentence, but nonetheless decided it would strike the firearm enhancements if it could do so without reducing petitioner’s sentence any further. By contrast, when a court is initially *required* to reexamine a petitioner’s original sentence, the full resentencing rule entitles the court “to rethink the entire sentence to achieve its original and presumably unchanged goal.” (*People v. Hill* (1986)

court had equitable authority to strike petitioner’s firearm enhancements under section 12022.53.

¹¹ In addition to his record-specific arguments, petitioner presents several hypothetical “arguments about different choices the habeas [corpus] court in his case *could* have made in ordering relief” and the impact those possible choices might have had on finality. We need not assess whether different factual scenarios not presented here might call for different results.

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185 Cal.App.3d 831, 834; accord, *Buycks, supra*, 5 Cal.5th at p. 893.) Our opinion in this matter simply permits some relief where there might otherwise be no relief and puts petitioner in the position closest to that which he would have been in had he timely pursued his *Estrada* claim on direct appeal (see *ante*, at pp. 23–24). Under these unique circumstances, the dissent would seemingly prefer no relief be granted. (Cf. dis. opn. of Evans, J., *post*, at p. 10, fn. 2 [“sending a legally imposed sentence to the trial court to contemplate some form of discretion does not itself undo finality or implicate the full resentencing rule where the sentencing court declines to exercise its discretion, thereby leaving the original sentence completely intact”].) We think the justice of a given case may instead, like here, permit a middle ground and that there is nothing “illogical” about this conclusion. (Dis. opn. of Evans, J., *post*, at p. 3.)¹² For the same reasons, the mere fact that

¹² The cases the dissent relies on for the proposition that full resentencing is required whenever a habeas corpus court concludes a petitioner is entitled to discretionary sentencing relief involve claims under decisional law deemed fully retroactive to *final* judgments, i.e., they do not depend on *Estrada*’s time-capped presumption of retroactivity to *nonfinal* judgments to plead a prima facie case for relief. (See dis. opn. of Evans, J., *post*, at p. 26, citing *Cortez, supra*, 6 Cal.3d at p. 88 [prisoners “convicted of a narcotics offense between September 18, 1959, and September 1, 1970” could file a habeas corpus petition for retroactive relief]; *Belmontes, supra*, 34 Cal.3d at p. 348, fn. 8 [explaining that “[s]ince our holding . . . relates only to sentencing and will not require any retrials, it shall *have full retroactive effect*” (italics added)]; *Romero, supra*, 13 Cal.4th at p. 530, fn. 13 [“Our holding, which relates only to sentencing, *is fully retroactive*” (italics added)].) For this reason, these cases

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petitioner was permitted to appeal the superior court’s order striking his firearm enhancements (and the People could have chosen to cross-appeal) does not transform petitioner’s admittedly final criminal judgment into a nonfinal one for purposes of *Estrada* retroactivity, as the dissent contends. (Dis. opn. of Evans, J., *post*, at pp. 13–14.)¹³ Under the specific circumstances of petitioner’s case, the dissent’s position flips the appropriate order of inquiry. Petitioner alleged only entitlement to retroactive relief under Senate Bill No. 620 because his criminal judgment did not become final until January 30, 2018. The fact that petitioner has lodged an appeal from the habeas corpus court’s tailored grant of relief on that narrow claim does not function to modify the uncontested finality date upon which the success of his initial claim depended.

In sum, where petitioner belatedly sought retroactive relief under Senate Bill No. 620 from his valid, final judgment, the superior court had equitable authority, pursuant to well-

in no way “dictate” the result here. (Dis. opn. of Evans, J., *post*, at p. 26, fn. 8.)

¹³ We do not disagree with the dissent’s view that “[a] judgment is final “when it terminates the litigation between the parties on the merits of the case and leaves nothing to be done but to enforce by execution what has been determined.”’ (*Sullivan v. Delta Air Lines, Inc.* (1997) 15 Cal.4th 288, 304.)” (Dis. opn. by Evans, J., *post*, at p. 14, fn. 4.) As repeatedly noted, petitioner’s valid judgment was concededly final on January 30, 2018 for *Estrada* purposes and the habeas corpus court’s act in equity to remedy petitioner’s delayed *Estrada* claim did not alter “the uncontested finality date upon which the success of his initial claim depended.” (*Post*, at p. 30.)

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established habeas corpus principles, to strike petitioner’s firearm enhancements without reconsidering the sentence as a whole.¹⁴ Under these unique circumstances, the habeas corpus court was neither constitutionally nor statutorily required to vacate petitioner’s sentence in its entirety. We therefore affirm the Court of Appeal’s judgment and disapprove of *Duenas*, *supra*, 111 Cal.App.5th 553, review granted,¹⁵ to the extent it

¹⁴ Petitioner asserts the superior court departed from correct sentencing procedures by failing to orally pronounce judgment, which meant he was returned to prison “without a validly imposed sentence.” He posits that an outcome like that reached by the superior court is likely to engender “confusion.” But the superior court announced that it would strike the firearm enhancements and the clerk amended the 2015 minute order to reflect petitioner’s new sentence. The parties do not exhibit any confusion about the length of petitioner’s revised sentence. He fails to persuade us that any alleged procedural irregularity is material to the analysis here. We reiterate the well-established principle that “[t]he applicable procedure generally has depended upon the *nature* of the relief sought in the petition.” (*In re Roberts*, *supra*, 36 Cal.4th at p. 583.)

¹⁵ In their joint amici curiae brief, California Attorneys for Criminal Justice and the California Public Defenders Association assert that two other published cases conflict with the Court of Appeal’s decision below, but those cases are distinguishable. (See *People v. Cervantes* (2025) 115 Cal.App.5th 825 [concluding the trial court had jurisdiction to address an unauthorized sentence when the defendant sought resentencing pursuant to section 1172.6, with no mention of *Esquivias*]; *People v. Perez-Tinoco* (2025) 115 Cal.App.5th 861, 883–884 [relying on *Padilla* and distinguishing *Esquivias* as follows: “Here, unlike *Esquivias*, the trial court more broadly exercised its habeas corpus discretion and, in fact, *vacated* Perez’s sentence . . . therefore, we find the *Esquivias* opinion to be readily distinguishable on the relevant underlying facts”].)

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concluded that any habeas corpus remedy affecting part of a petitioner's sentence necessarily requires a full resentencing.¹⁶

III. DISPOSITION

We affirm the judgment of the Court of Appeal.

GROBAN, J.

We Concur:

GUERRERO, C. J.

CORRIGAN, J.

KRUGER, J.

GOODING, J.*

¹⁶ While we disapprove of “*Duenas*’s broad proposition that a habeas corpus petitioner is *always* entitled to a full resentencing whenever a habeas corpus court grants relief as to a portion of a petitioner’s sentence” (*ante*, at p. 6), we are not called on here to analyze the distinct statutory basis for the *Duenas* petitioner’s habeas corpus claim.

* Associate Justice of the Court of Appeal, Fourth Appellate District, Division Three, assigned by the Chief Justice pursuant to article VI, section 6 of the California Constitution.

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Dissenting Opinion by Justice Evans

In re Estrada (1965) 63 Cal.2d 740 (*Estrada*) creates a presumption that new laws that lessen punishment apply retroactively to all defendants whose judgments are not final. This case concerns the application of *Estrada* where a defendant's sentence is partially modified after a grant of habeas corpus relief. Below, petitioner Miguel Alberto Esquivias argued in a habeas corpus petition that a new ameliorative law applicable to his case, Senate Bill No. 620 (2017–2018 Reg. Sess.) (Senate Bill 620) (Stats. 2017, ch. 682), provided the trial court discretion it lacked when initially sentencing him: the power to strike firearm enhancements imposed under Penal Code¹ sections 12022.5, subdivision (a) and 12022, subdivision (a). Importantly, and what I believe may be the cause of some of the doctrinal confusion contained in the majority opinion, the habeas court and the sentencing court were presided over by the same judge. The superior court, acting in its capacity as habeas corpus court, granted relief. It found that defendant was eligible for retroactive relief under Senate Bill 620 and set a hearing to potentially modify defendant's sentence. At the subsequent hearing, the same judge, acting as a sentencing court, exercised its discretion to strike all firearm enhancements. It explained that it lacked

¹ All further unspecified statutory references are to the Penal Code.

“jurisdiction,” however, to consider other ameliorative changes available under current law and that applying any future ameliorative change in law would “undermine” its intentions in dismissing the firearm enhancements. (Maj. opn., *ante*, at p. 5, 23, fn. 8.) Esquivias argues that, because his sentence had been reopened due to the striking of the firearm enhancements, it was no longer final and thus he was entitled to retroactive application of Assembly Bill No. 333 (2021–2022 Reg. Sess.) (Assembly Bill 333) (Stats. 2021, ch. 699, § 4, eff. Jan. 1, 2022). As relevant here, Assembly Bill 333 narrows the scope of gang enhancements. (*People v. Lopez* (2025) 17 Cal.5th 388, 395 (*Lopez*).) For nonfinal judgments, when the existing record does not establish beyond a reasonable doubt that the revised definition of the gang enhancement has been satisfied, this ameliorative law requires that the enhancement be vacated and retried. (See *id.* at pp. 399–400.)

Contrary to the majority’s conclusion, Esquivias is entitled to application of Assembly Bill 333 under the principles of *Estrada* and the full resentencing rule. We have long held that *Estrada* allows application of ameliorative laws to “every case to which it constitutionally could apply.” (*Estrada*, *supra*, 63 Cal.2d at p. 745.) As we recently underscored, the grant of habeas corpus relief reopens the finality of the sentence for purposes of *Estrada*. (*People v. Padilla* (2022) 13 Cal.5th 152, 162 (*Padilla*).) The fact that Esquivias’s habeas corpus relief relates only to the firearm enhancements and not to other parts of his sentence does not change the calculus. Recognizing the holistic and indivisible nature of a criminal sentence, we have roundly rejected the concept of “part[ial]” finality for purposes of *Estrada*. (*Lopez*, *supra*, 17 Cal.5th at p. 397; see *id.* at pp. 397–398.)

The majority, however, disregards this precedent and, instead, announces a new and significantly more complicated rule purportedly resting on the equitable nature of habeas corpus remedies. However, the doctrine of full resentencing, which Esquivias invokes, is not a rule of equity, but a rule of jurisdiction. A sentencing court's choice to apply, or not to apply, ameliorative laws has nothing to do with a habeas corpus court's equitable authority. Indeed, the habeas corpus court, strictly speaking, had no authority to even strike Esquivias's firearm enhancement in the first place, much less decide the downstream consequences of this sentencing decision.

Further, the majority's analysis of finality is illogical. This case is before us because it has been appealed and the sentence is nonfinal. There is no debate that if the Attorney General believed the trial court had made an error in striking the firearm enhancement, it would have the right to appeal the trial court's sentencing decision. Regardless of which legal issues are raised, unless and until the habeas corpus petition is resolved, Esquivias's sentence is both nonfinal and appealable as a result of the grant of habeas corpus relief and the modification of his sentence.

Any suggestion that there was no sentencing because the trial court merely struck the firearm enhancement and the habeas corpus court did not "vacate[]" the prior sentence (see maj opn., *ante*, at p. 13, italics omitted), is also unsupportable. Senate Bill 620 explicitly states that the trial court's discretion to strike a firearm enhancement occurs "at the time of sentencing." (§ 12022.53, subd. (h).) In other words, the only way the superior court could afford relief was to initiate a new sentencing hearing and then exercise its discretion. "[O]nce a court has determined that a defendant is entitled to

resentencing, the *result is vacatur of the original sentence*, whereupon the trial court may impose any appropriate sentence.” (*Padilla, supra*, 13 Cal.5th at p. 163, italics added.) The majority’s apparent belief that a habeas corpus court must use the magic word “vacate” when granting habeas corpus relief in order to trigger nonfinality elevates form over substance.

Although seemingly crafted to apply only to the idiosyncratic facts of Esquivias’s case, the majority’s bespoke rule has several potential drawbacks if applied more generally to cases involving partial sentencing relief after a grant of a habeas corpus petition. First, the ruling is inconsistent with uniform sentencing. Under the majority’s approach, two defendants, sentenced in the same court on the same day for identical conduct, may receive wildly disparate sentences. This nonuniformity is particularly troubling where, as here, the ameliorative statute sought to be applied was crafted to combat racial inequities in sentencing.

Second, the rule cedes sentencing jurisdiction typically the province of sentencing courts to habeas corpus courts, which frequently include nonsentencing courts and even federal courts. Under the majority’s proposed rule, habeas corpus courts will now be able to dictate the breadth of resentencing relief that accrues from a grant of habeas relief on a “case-by-case basis.” (Maj. opn., *ante*, at p. 2.) This is a strange result because habeas corpus courts, especially those foreign to the sentencing jurisdiction, are comparatively unfamiliar with sentencing proceedings and may have little or no information upon which to ground the “equitable” determination that the majority proposes they should now decide. (*Ibid.*) Relatedly, granting nonsentencing habeas corpus courts the power to dictate to sentencing courts whether to apply ameliorative laws

under *Estrada* may undermine the holistic sentencing that the full resentencing rule was intended to safeguard.

Third, the majority's narrow but ambiguous holding is likely to breed uncertainty, litigation, and conflict between courts, instead of the straightforward and easy-to-apply rule dictated by our existing precedent.

The problems associated with the majority's complicated holding, however, may be resolved by the Legislature. The Legislature can clarify that *all* resentencing, whether as a result of habeas corpus or other procedure, should "apply the sentencing rules of the Judicial Council and apply any changes in law that reduce sentences or provide for judicial discretion so as to eliminate disparity of sentences and to promote uniformity of sentencing." (§ 1172.1, subd. (a)(2); see §§ 1172.7, subd. (d)(2) [similar], 1172.75, subd. (d)(2) [similar].)

I. THE FULL RESENTENCING RULE IS ROOTED IN JURISDICTION, NOT EQUITY

According to the majority, "the habeas corpus court had broad equitable authority to conclude that 'the justice of the case' only required striking petitioner's firearm enhancement." (Maj. opn., *ante*, at p. 2.) This conclusion, however, appears to rest on a misapprehension of the equitable power of habeas corpus courts. Habeas corpus courts are empowered to remediate constitutional or statutory illegality (*In re Crow* (1971) 4 Cal.3d 613, 619, fn. 7 (*Crow*)), not to define the scope of a sentencing court's jurisdiction to conduct resentencing or to determine the application of *Estrada* retroactivity. The majority overlooks that whether the full resentencing rule applies to Esquivias is a question of jurisdiction, not equity.

The term “full resentencing rule” was first coined in our decision in *People v. Buycks* (2018) 5 Cal.5th 857, 893 (*Buycks*) but stretches back to Court of Appeal cases from previous decades. *People v. Burbine* (2003) 106 Cal.App.4th 1250 (*Burbine*), for instance, explained that “upon remand for resentencing after the reversal of one or more subordinate counts of a felony conviction, the trial court has *jurisdiction* to modify every aspect of the defendant’s sentence on the counts that were affirmed, including the term imposed as the principal term.” (*Id.* at p. 1259, italics added.) *Burbine*, like this case, arose in the context of a defendant obtaining partial relief. *Buycks* cited *Burbine*’s jurisdictional language with approval (*Buycks*, at p. 893), and, in exploring other Court of Appeal cases which had applied the full resentencing rule in other postconviction contexts, explained that full resentencing means that “the resentencing court *has jurisdiction* to modify *every* aspect of the sentence, and not just the portion subjected to the recall.” (*Buycks*, at p. 893, first italics added.) As we later emphasized in *People v. Valenzuela* (2019) 7 Cal.5th 415, the full resentencing rule allows a court to “revisit all prior sentencing decisions when resentencing a defendant.” (*Id.* at pp. 424–425.)

The full resentencing rule reopens jurisdiction for the sentencing court to reexamine the entire sentence, and not just an individual piece, because all aspects of a sentence are part of an indivisible whole. Sentencing courts look at defendants and their conduct holistically. As *People v. Terwilligar* (2025) 109 Cal.App.5th 585 explains, “[t]he reason for the ‘full resentencing rule’” [citation] is that “an aggregate prison term is not a series of separate independent terms, but one term made up of interdependent components. The invalidity of one component infects the entire scheme.” ’” (*Id.* at p. 601.) Thus,

in invoking the rule, courts have repeatedly observed that “ ‘a criminal sentence is like an atom, indivisible.’ ” “ ‘By correcting one part of [a defendant’s] sentence, the trial court is resentencing the defendant and, in so doing, is not only permitted, but also obligated to look at the facts and the law in effect at the time of that resentencing, including “ ‘any pertinent circumstances which have arisen since the prior sentence was imposed.’ ” ’ ” (*People v. Christianson* (2023) 97 Cal.App.5th 300, 315, quoting *People v. Walker* (2021) 67 Cal.App.5th 198, 206; see also *People v. Hill* (1986) 185 Cal.App.3d 831, 834; *People v. Savala* (1983) 147 Cal.App.3d 63, 68–69.)

The application of full resentencing is, therefore, not a question of equity, but one of jurisdiction. And the basis of jurisdiction is the recognized indivisibility of criminal sentences, even when only part of the sentence is disturbed. Our recent opinions have made clear that, for nonfinal cases, any modification of the sentence reopens the entire case to the application of ameliorative laws. (*Lopez, supra*, 17 Cal.5th at pp. 396–400.) In Esquivias’s case, which is nonfinal, this should mean that the sentencing court, after granting relief changing one part of his sentence, must address the entirety of his sentence under current law. (*Ibid.*)

The majority resists application of *Lopez* on the basis of finality, arguing that this case, unlike *Lopez*, had become final in 2018, prior to the passage of the ameliorative law that Esquivias seeks to apply. (Maj. opn., *ante*, at p. 16 [“*Lopez* did not involve habeas corpus proceedings collaterally attacking a *final* judgment”].) The majority also contends that Esquivias’s situation is “wholly distinct from *Lopez*, where ameliorative legislation became effective *while the direct appeal was still*

pending.” (*Id.* at p. 17.) But the majority’s distinction is incorrect on two levels.

First, we have held that the full resentencing rule applies to cases in which the direct appeal has concluded when they have been partially altered due to ameliorative legislation. *Buycks* itself, our seminal case on the full resentencing rule, sanctioned the application of this rule to a final sentence. (*Buycks, supra*, 5 Cal.5th at p. 893 [noting the Court of Appeal “properly recognized [the full resentencing] rule, even though defendant’s conviction became final . . . before Proposition 47 took effect”].) As we explained, without regard to *Estrada*, a court that has set aside even a *portion* of a defendant’s sentence “must also resentence the defendant generally and must therefore reevaluate the continued applicability of any enhancement based on a prior felony conviction” under current law. (*Id.* at p. 894; see also *People v. Duenas* (2025) 111 Cal.App.5th 553, 558 (*Duenas*) [applying full resentencing rule to previous final sentence].) Second and more specifically, we have held that habeas corpus relief such as that obtained by Esquivias triggers the application of *Estrada* by rendering a judgment nonfinal.

**II. BECAUSE ESQUIVIAS OBTAINED A NEW SENTENCE AS
A RESULT OF HABEAS CORPUS RELIEF, HIS
SENTENCE IS NO LONGER FINAL**

The case that most clearly articulates the governing principles of finality here is *Padilla, supra*, 13 Cal.5th 152. Like *Padilla*, this case involves the proper application of *Estrada*. And *Estrada*, like the full sentencing rule, does not center on the equities of a given case. Instead, *Estrada* turns on a more concrete assessment, that of finality. (*Padilla*, at p. 162

[[A]bsent a discernable intent to the contrary, ameliorative criminal laws apply *to all nonfinal cases*” (italics added)].)

Simply put, habeas corpus relief resulting in a modification of sentence renders a case nonfinal. As we have explained, “the notion that a criminal judgment’s finality may be interrupted by a subsequent habeas corpus action is unexceptional.” (*Padilla, supra*, 13 Cal.5th at p. 164.) When a habeas corpus “court vacates a prior judgment and orders a . . . new sentencing hearing, the prior judgment — now ineffective — can no longer be a final one” and *Estrada* applies. (*Ibid.*)

The majority reasons that Esquivias’s case was final, as he “conceded in his habeas corpus petition that his criminal judgment had been final on direct review for nearly four years.” (Maj. opn., *ante*, at p. 17.) To be sure, Esquivias’s case *was* final. No one disputes this. But, as we have stated, finality may be “interrupted” by subsequent habeas corpus relief. (*Padilla, supra*, 13 Cal.5th at p. 164.) The majority acknowledges this settled precedent. (Maj. opn., *ante*, at p. 13, quoting *Padilla*, at p. 164.)

The majority attempts to distinguish *Padilla* on the basis that, in that case, the “original sentence was deemed *unconstitutional* and *vacated* in habeas corpus proceedings.” (Maj. opn., *ante*, at p. 13; see also *id.* at pp. 13–14 [“In discussing why the retroactive application of ameliorative laws was appropriate in *Padilla*, we emphasized, ‘[w]hen a defendant’s sentence *has been vacated*, the parties’ interests in repose and finality are necessarily diminished; at that point, the countervailing interest in effectuating current legislative policy decisions may appropriately control.’”].) But this misreads

Padilla. Relief that leads to a new sentence, by its nature, *requires* vacating the prior sentence. (*Padilla, supra*, 13 Cal.5th at p. 163 [“once a court has determined that a defendant is entitled to resentencing, the *result is vacatur of the original sentence*, whereupon the trial court may impose any appropriate sentence” (italics added)].) The majority completely ignores this language in *Padilla*, which is directly applicable here. As the Court of Appeal in *Duenas* explained: “While neither this court nor the trial court stated that it was vacating [the defendant’s] sentence *such language was not required to render the judgment nonfinal. . . .*” and “vacatur of the original sentence *occurs automatically* once a court determines that it must resentence the defendant.” (*Duenas, supra*, 111 Cal.App.5th at p. 560, italics added.)²

In re Cortez (1971) 6 Cal.3d 78 (*Cortez*) long ago described the proper habeas corpus procedure when a habeas corpus court, as here, also acts as a sentencing court and strikes an allegation

² There are important limitations to this rule which address many, if not all, of the concerns regarding potential unfairness raised by the Attorney General and the majority. First, sending a legally imposed sentence to the trial court to contemplate some form of discretion does not itself undo finality or implicate the full resentencing rule where the sentencing court declines to exercise its discretion, thereby leaving the original sentence completely intact. (*People v. Buckhalter* (2001) 26 Cal.4th 20, 35.) Further, courts have held that minor modifications of the judgment that do not modify the sentence — like adjusting a miscalculated award of custody credits — do not implicate the full resentencing rule. (*People v. Gonzalez* (2025) 108 Cal.App.5th 741, 748, review granted Apr. 30, 2025, S289974; see also *In re Mattison* (2025) 115 Cal.App.5th 1062 [new law requiring vacating restitution fines older than 10 years old did not trigger full resentencing].)

that affects the total sentence. *Cortez* involved a statute, Health and Safety Code former section 11718, found unconstitutional, that limited trial courts' discretion to strike any allegation that would increase the penalty for certain narcotics-related offenses.³ (*Cortez*, at p. 82.) Although predating cases detailing the full resentencing rule, we explained that “[i]f the court determines not to strike the prior conviction or convictions, then it should enter an order denying the petition for writ of habeas corpus and remanding the petitioner to prison to complete his sentence pursuant to the original sentence. If, however, the court determines to strike one or more of the prior convictions, it should grant the petition for writ of habeas corpus, *vacate the sentence and rearraign the petitioner for judgment and sentence.*” (*Id.* at p. 89, italics added.) We further explained that “in order to restore a prisoner seeking *Tenorio* relief as closely as possible to his original position, he should be *treated as though before the court at the time of pronouncement of judgment* and should, therefore, *be entitled to all the normal procedures and rights available at that time.*” (*Id.* at p. 88, italics added; see also *People v. Belmontes* (1983) 34 Cal.3d 335, 348, fn.8 (*Belmontes*) [where a trial court “may have been influenced by an erroneous understanding of the scope of its sentencing powers” reaffirming that “habeas corpus is a proper remedy to secure *reconsideration of the sentence*” and explaining that where such a misunderstanding was present the sentencing court “shall *proceed to resentence the defendant*, having in mind the procedures suggested in *In re Cortez*” (first and second italics added)].)

³ See *People v Tenorio* (1970) 3 Cal.3d 89.

The majority’s conclusion that a court resentencing after a successful habeas corpus petition may still refuse “all the normal procedures and rights available at that time” (*Cortez, supra*, 6 Cal.3d at p. 88), including application of current law, conflicts with *Cortez*’s decades-old procedural guidance. It also stands in significant tension with our recent decision in *People v. Superior Court (Guevara)* (2025) 18 Cal.5th 838. In *Guevara*, we considered a section 1172.75 petition of a third strike defendant whose sentence was altered, as in this case, by the striking of an enhancement (a one-year prior prison term). (*Guevara*, at p. 853.) *Guevara*, whose sentence had become final before the enactment of section 1172.75, sought to apply ameliorative law, much like Esquivias in this case — arguing that he was “entitled to the application of the [Three Strikes] Reform Act [of 2012]’s prospective change in law.” (*Guevara*, at p. 853.) Despite the prior finality of *Guevara*’s sentence, we explained he was entitled to the application of the *prospective* ameliorative provisions of the Three Strikes Reform Act of 2012 (Prop. 36, as approved by voters, Gen. Elec. (Nov. 6, 2012) (Reform Act)), because the striking of his now-invalid prior term “reopens sentencing” and thus provided for the application of the prospective provisions of the Reform Act. (*Guevara*, at p. 875.) To be sure, section 1172.75 is distinct from habeas corpus in that it contains an explicit requirement to apply changes in law during resentencing (*id.*, subd. (d)(2)), but this does not change *Guevara*’s implications regarding *finality*. We stated that the recall and resentencing under section 1172.75 “reopens” the sentence and allows the court to consider the application of intervening ameliorative laws in the first instance. (*Guevara*, at p. 875.) *Guevara* explicitly noted that the “distinction between resentencing as a result of a section 1172.75 proceeding

and a *resentencing through a successful habeas corpus petition* or other resentencing mechanism is unavailing.” (*Id.* at p. 864, italics added.) As we noted, “a defendant serving an indeterminate Three Strikes term who obtained resentencing through a successful habeas corpus petition . . . might also have invoked Proposition 36’s [prospective] ameliorative reforms at resentencing.” (*Ibid.*) Esquivias’s case reflects precisely this procedural posture. After the application of Senate Bill 620 “reopen[ed]” his sentence, he properly seeks application of current law. (*Guevara*, at p. 875.)

The majority’s analysis contains another significant flaw. The primary characteristic of finality — the inability to take an appeal — is absent here. The fact that Esquivias’s sentence is nonfinal and appealable is why we are able to review this case. As explained in *Padilla*, when a “trial court regained the jurisdiction and duty to consider what punishment was appropriate for him, . . . Padilla regained the right to appeal whatever new sentence was imposed. His judgment thus became nonfinal, and it remains nonfinal in its present posture because the Court of Appeal ordered a second resentencing, from which the Attorney General now appeals.” (*Padilla*, *supra*, 13 Cal.5th at pp. 161–162.)

The same reasoning applies here. The People argued below that the trial court should not have exercised its discretion under Senate Bill 620 to strike the firearm enhancements in the first place. Had the People chosen to cross-appeal, there is no dispute that they would have been able to challenge the trial court’s ruling if they believed it to be in error or an abuse of discretion. Thus, since the firearm enhancement is nonfinal and subject to appeal, the entirety of the sentence is

nonfinal, as we do not recognize the concept of “partial” finality. (See *Lopez, supra*, 17 Cal.5th at pp. 397–398.)⁴

III. HABEAS CORPUS COURTS LACK POWER TO DEFINE OR RESTRICT SENTENCING COURT JURISDICTION

As noted, in this case the habeas corpus court and the original sentencing court were the same court. The fact of a singular judge acting in two different capacities led to a blurring of roles. The superior court did not appear to distinguish between actions specifically associated with its authority as a habeas corpus court as opposed to its authority as a sentencing court. Future cases will likely arise in which the habeas corpus and sentencing courts are *not* the same judge. And, even when habeas and sentencing courts are identical, examining the distinct roles occupied by trial courts in this context illuminates the doctrinal confusion created by the majority’s analysis.

⁴ The majority declares that the fact “that petitioner was permitted to appeal the superior court’s order striking his firearm enhancements (and the People could have chosen to cross-appeal) does not transform petitioner’s admittedly final criminal judgment into a nonfinal one for purposes of *Estrada* retroactivity.” (Maj, opn., *ante*, at p. 30.) But as we have long held, “[a] judgment is final ‘when it terminates the litigation between the parties on the merits of the case and leaves nothing to be done but to enforce by execution what has been determined.’” (*Sullivan v. Delta Air Lines, Inc.* (1997) 15 Cal.4th 288, 304.) If the portion of Esquivias’s sentence relating to the firearm enhancements is still subject to ongoing litigation, it is unclear why the majority nonetheless believes it final. (Cf. *Padilla, supra*, 13 Cal.5th at p. 163 [“It is clear that Padilla’s present appeal from his resentencing is part of direct review of a nonfinal judgment, not collateral review of a final judgment”].) And if one portion of a sentence is nonfinal, the entire sentence is nonfinal. (*Lopez, supra*, 17 Cal.5th at pp. 397–398.)

As the majority recounts, the judge granted Esquivias's habeas corpus petition and exercised its discretion to strike the firearm enhancement. (Maj. opn., *ante*, at p. 5.) The court simultaneously stated that the procedural history of this case “limit[ed] this particular habeas petition’s scope to whether or not to exercise” discretion under Senate Bill No. 620 and that it “lacked jurisdiction” to apply other ameliorative laws, such as Assembly Bill 333.⁵

Framing these decisions as the habeas corpus court exercising its “equitable” power over the remedy, as the majority and Court of Appeal below have done, incorrectly describes what

⁵ The majority fails to grapple with the trial court’s apparent misunderstanding regarding its jurisdiction to apply other ameliorative laws while acting as a sentencing court following a grant of habeas corpus. “[R]emand is the default” remedy to allow the court to exercise informed discretion. (*People v. Salazar* (2023) 15 Cal.5th 416, 431.) The majority claims that “the habeas corpus court made clear that it would choose to grant no relief whatsoever if forced to apply post-finality ameliorative laws.” (Maj. opn., *ante*, at p. 23, fn. 8.) This overstates the record. The trial court stated that its decision to strike the firearm enhancements was “contingent on [its] overall view of the sentence itself and its proportionality.” It also stated that the application of unknown future ameliorative changes in law passed by the Legislature would “undermine the intentions of how I exercise this discretion today.” This statement did not involve *current* ameliorative laws, which the trial court believed it simply “lacked jurisdiction” to apply. Nor can we reasonably infer from the trial court’s ambiguous statements that applying Assembly Bill 333, which simply permits retrial on the gang enhancements (see *People v. Clark* (2024) 15 Cal.5th 743, 764), and may not have resulted in any ultimate change in Esquivias’s sentence, would have caused the trial court not to strike the firearm enhancements. Because it is uncertain what the trial court would have done had it understood its jurisdiction to apply Assembly Bill 333, remand is appropriate.

occurred below. Technically, the *habeas corpus* court itself had no authority to strike the firearm enhancement. Senate Bill 620 gives discretionary power to the *sentencing* court to strike a firearm enhancement in the interest of justice. (§ 12022.53, subd. (h).) A habeas corpus court, giving effect to Senate Bill 620, cannot directly mandate that a firearm enhancement be stricken; it can only order a proceeding at which the defendant has an opportunity to request that the sentencing court exercise its discretion.

That the habeas corpus court here had no authority to strike the sentence enhancement might be more apparent had Esquivias filed his habeas corpus petition before this court or a Court of Appeal. His right to application of Senate Bill 620 would remain unchanged. But because nonsentencing courts cannot exercise sentencing discretion, the only appropriate remedy in such a case would be to grant the habeas corpus petition and remand to a sentencing court for a new sentencing hearing. And, indeed, various Court of Appeal decisions considering retroactive Senate Bill 620 claims appropriately frame the remedy as one in which “remand is required for a trial court to exercise *sentencing discretion*.” (*People v. McDaniels* (2018) 22 Cal.App.5th 420, 425, italics added; see also *ibid.* [discussing cases in which the sentencing court must have the “‘opportunity to exercise its sentencing discretion at a new sentencing hearing’”].) When Senate Bill 620 was not in effect at the time of original sentencing, the appropriate remedy is that the “sentence is vacated [and] [t]he matter is remanded for the limited purpose of allowing the trial court to exercise its discretion under sections 12022.5, subdivision (c), and 12022.53, subdivision (h).” (*People v. Billingsley* (2018) 22 Cal.App.5th 1076, 1082.)

According to the majority, “as a remedy, the *habeas corpus* court equitably concluded the justice of the case warranted striking petitioner’s firearm enhancements.” (Maj. opn., *ante*, at p. 22, italics added.) The habeas corpus court, however, lacked any such authority. A habeas corpus court could only order that a *sentencing* court decide whether or not to exercise its discretion to strike the firearm enhancements. As noted above, the language of section 12022.53, subdivision (h) makes explicit the sentencing court’s procedural role and the timing at which the sentencing court acts: “The court may, in the interest of justice pursuant to Section 1385 and *at the time of sentencing*, strike or dismiss an enhancement otherwise required to be imposed by this section.” (Italics added; see also § 1385, subd. (c)(3) [trial court “court may exercise its discretion [to strike an enhancement] *at sentencing*”].) Thus, the statute itself dictates when the striking of an enhancement must occur: “at sentencing” of the defendant. For this reason, the majority’s claim that *Padilla* is distinguishable because the habeas corpus court here did not “‘order[] a . . . new sentencing hearing’” cannot be true. (Maj. opn., *ante*, at p. 13.) The fact that the trial court struck the firearm enhancement demonstrates that a new sentencing occurred, irrespective of what terminology was used.⁶ As discussed above, based on *Estrada* and the full

⁶ To the extent terminology is relevant, here the habeas corpus court, too, seemed to recognize it needed to conduct a sentencing hearing to exercise its discretion to strike the firearm enhancement. After acknowledging the parties’ agreement that Senate Bill 620 applied to the case, the trial court “set this case for potential sentencing modification.” At that hearing, it observed that Senate Bill 620 “added discretion for courts *sentencing* defendants on firearms enhancements, such as this,

resentencing rule, Esquivias was entitled to have the court apply Assembly Bill 333 during this resentencing.

Stepping outside the specific procedural context of this case, there exists little support for the conclusion that habeas corpus courts' equitable discretion extends to deciding the applicability of *Estrada* retroactivity or the full resentencing rule at resentencing. Indeed, although both doctrines have existed for many decades, neither the lower court, the Attorney General, nor the majority, cite a single case for the proposition that the power to resolve these questions during resentencing is appropriately left to the discretion of a habeas court.

The power of the habeas corpus court is “the power to fashion a remedy for the deprivation of any fundamental right which is cognizable in habeas corpus.” (*Crow, supra*, 4 Cal.3d at p. 619, fn. 7.) Here, the deprivation of the “right . . . cognizable in habeas corpus” (*ibid.*) was the right to the application of Senate Bill 620, which provided the trial court with discretion to strike the firearm enhancements.⁷ In *Cortez*, it was the legal

to exercise discretion as to whether or not to impose that enhancement” and characterized its decision as a “*sentencing* decision.” (Italics added.)

⁷ The majority suggests that because the habeas corpus court here must have had the power to answer one question of *Estrada* retroactivity — the application of Senate Bill 620 — it must *also* have had the jurisdiction to dictate the application of *Estrada* with respect to other ameliorative laws at resentencing. (See maj. opn., *ante*, at p. 10 [claiming that the dissent “gets it wrong at the crucial first step” because, absent a habeas corpus court’s jurisdiction to answer *Estrada* questions, “petitioner’s *Estrada* claim would have failed at the outset because it depended on just such a determination”].) But this claimed

authority of the sentencing court to consider striking prior narcotics offenses (allegations of which would impose mandatory minimums and increase statutory maximums). (*Cortez, supra*, 6 Cal.3d at p. 84 & fn. 5.) In *Belmontes, supra*, 34 Cal.3d at pages 344–345 it was the sentencing court’s discretion to sentence a defendant under section 667.6, subdivision (c) rather than section 1170.1. In *People v. Superior Court (Romero)* (1996) 13 Cal.4th 497 (*Romero*), it was the sentencing court’s discretion to strike prior strike enhancements under the “Three Strikes” law.

In the interplay between habeas corpus and sentencing courts, habeas corpus courts, having determined eligibility for resentencing, typically do not control whether or how resentencing courts will exercise their discretion. (See, e.g., *Lafler v. Cooper* (2012) 566 U.S. 156, 174 [constitutional harm of ineffective assistance during plea bargaining improperly remedied by federal court by ordering specific performance of plea; proper remedy was to reopen offer so that state trial court “can then exercise its discretion in determining whether to vacate the convictions and resentence respondent pursuant to the plea agreement, to vacate only some of the convictions and

asymmetry is not a contradiction. Instead, it merely illustrates the authority of habeas corpus courts. They have the power to address the claimed illegality in a petitioner’s custody (*Crow, supra*, 4 Cal.3d at p. 619, fn. 7), which in certain unusual instances may involve the application of *Estrada*’s presumption of retroactivity to ameliorative laws that are cited as the basis of the habeas corpus petition. This case presents such a rare example. However, that habeas courts always have power to address claimed illegality does not thereby confer authority to dictate to sentencing courts that they should not apply current law when conducting resentencing.

resentence respondent accordingly, or to leave the convictions and sentence from trial undisturbed” pursuant to state law].) Although the lines may blur when the habeas court and the sentencing court are presided over by the same judge, the doctrinal point remains the same. The habeas court provides a remedy for the deprivation of a cognizable right while the sentencing court exercises sentencing discretion. Whatever the procedural context, a rule allowing habeas courts to dictate questions of sentencing jurisdiction or finality is misguided.

The majority brushes aside concerns that “habeas corpus courts, or ‘non-sentencing courts’ . . . especially appellate habeas corpus courts, are ill-equipped to make resentencing decisions.” (Maj. opn., *ante*, at p. 18.) Yet, the legitimacy of this concern is well established in our cases. “Sentencing courts have wide discretion in weighing aggravating and mitigating factors [citation], and may balance them against each other in qualitative as well as quantitative terms” in sentencing a defendant. (*People v. Roe* (1983) 148 Cal.App.3d 112, 119.) As a result, the established rule is that a reviewing court “cannot substitute its reasons for those omitted or misapplied by the trial court, nor can it reweigh valid factors bearing on the [sentencing] decision below.” (*People v. Scott* (1994) 9 Cal. 4th 331, 355.)

I can conceive of no reason why a federal district or appellate court considering a habeas corpus petition should decide the applicability of *Estrada* and/or the full resentencing rule at a resentencing hearing conducted by a state trial court. The majority claims that any concern that uninformed appellate or federal courts might be forced to resolve the equitable issues this case presents is “misplaced.” (Maj. opn., *ante*, at p. 19.) They argue that there is no basis for concern because our cases

hold that the proper venue to file claims relating to new-found sentencing discretion, such as Esquivias's, "should always originate in the superior court that rendered judgment" and because appellate habeas corpus courts "ha[ve] discretion to deny without prejudice a habeas corpus petition that was not filed first in a proper lower court.'" (Maj. opn., *ante*, at p. 18.) The majority also notes that Esquivias's specific, and admittedly idiosyncratic, claim rests entirely on the application of state law.

If the majority means to suggest that its holding is limited exclusively to the facts of this case, that is a wise and welcome limitation. But its analysis fails to appreciate how cases that might normally be filed in the sentencing jurisdiction could be resolved elsewhere. For instance, if the trial court here had improperly denied Esquivias's petition, he would be entitled to file a subsequent original petition in a higher court (*Robinson v. Lewis* (2020) 9 Cal.5th 883, 895), which might then resolve it. And even issues of state law, such as Esquivias's, are frequently transformed into constitutional claims involving ineffective assistance of counsel. (See *Sellan v. Kuhlman* (2d Cir. 2001) 261 F.3d 303, 309–310 [habeas corpus petitioner may claim ineffective assistance of appellate counsel based on counsel's failure to raise state law claim on appeal].) Indeed, Esquivias might have argued, for example, in the alternative to his existing claim, that his appellate counsel was ineffective for failing to move for reconsideration or recall of the remittitur in light of the change in law created by the effective date of Senate Bill 620 after our denial of his claim. Such a *constitutional* claim could properly wend its way into a federal court.

Beyond obvious conundrums related to ceding California sentencing authority to federal courts, allowing any nonsentencing habeas corpus court the authority to decide

whether there will be full resentencing raises a host of difficult and unanswered questions.

To begin with, under the majority's approach, a habeas corpus court may grant relief on a legal claim without having the complete record, or any record, of the sentencing proceedings. Thus, it may have limited information upon which to ground the equitable decision the majority proposes it resolve. Indeed, in *Cortez*, we emphasized that the sentencing court was the appropriate jurisdiction for resolving the habeas claim and the potential resentencing "since the sentencing court has the files which are necessary" to adjudicate the claim. (*Cortez*, *supra*, 6 Cal.3d at 88, fn. 9.) We also empowered the sentencing court to "obtain a new probation report and/or a report from the Director of Corrections as to the conduct of petitioner in prison since his original sentencing." (*Id.* at p. 89.) Such procedures strongly suggest that a habeas court may sometimes be an inappropriate venue to decide issues relating to sentencing discretion.

The majority also does not provide guidelines for how or when habeas corpus courts should exercise their newly minted equitable authority. For instance, is it a relevant equitable consideration that, as here, the Legislature has identified the ameliorative law at issue as one that led to racially discriminatory application? (See Stats. 2021, ch. 699, § 2, subds. (a), (d)(4), (10) [legislative findings that over 90 percent of individuals in the state's gang database are Black or Latino, "over 98 percent of people sentenced to prison for a gang enhancement" in our state's largest county are people of color, and that "gang enhancement statutes criminalize entire neighborhoods historically impacted by poverty, racial inequality, and mass incarceration as they punish people based

on their cultural identity, who they know, and where they live.”].) Must the habeas corpus court provide any reasoning for why it decided it allow or disallow the application of *Estrada* or, is its specific word choice in the order granting relief (“strike” versus “vacate”) alone controlling? What occurs if the habeas and the sentencing courts disagree about the propriety of applying ameliorative laws to the partially successful habeas petitioner? I fear these and other unanswered questions, along with the standardless discretion afforded by the majority’s approach, will result in arbitrary and conflicting decisions.

Granting habeas corpus courts the power to determine *Estrada* retroactivity will also hinder sentencing courts’ authority under the full resentencing rule. As that rule has long described, sentencing courts reviewing a partially modified sentence may adjust *other* aspects of a sentence to properly reflect the individual culpability of the defendant. For instance, if a significant sentence enhancement is invalidated through habeas, the sentencing court may wish to adjust upwards other aspects of the sentence to more fairly reflect the seriousness of the offense. The Court of Appeal in *Burbine* took such an approach. (See *Burbine*, *supra*, 106 Cal.App.4th at pp. 1258–1259 [under full resentencing, trial court may reconsider all its discretionary sentencing choices, so long as it does not impose a term greater than original]; see also *Buycks*, *supra*, 5 Cal.5th at p. 893 [approving of *Burbine*].) Under the majority’s approach, if a *habeas corpus* court determines that only the enhancement is stricken and full resentencing does not apply due to the particular “equities” of the case, the sentencing court’s discretion to adjust other aspects of the sentence may be frustrated.

**IV. THE LEGISLATURE HAS INDICATED THAT CURRENT
LAW SHOULD GOVERN AT RESENTENCING
PROCEEDINGS**

In recent enactments, the Legislature has repeatedly identified the full resentencing rule as its preference after postconviction resentencing relief. (§§ 1172.1, subd. (a)(1) [after referral, a trial court may recall a sentence and “resentence the defendant in the same manner as if they had not previously been sentenced”], 1172.7, subd. (d)(2) [after striking drug-related enhancements, “court shall apply the sentencing rules of the Judicial Council and apply any other changes in law that reduce sentences or provide for judicial discretion so as to eliminate disparity of sentences and to promote uniformity of sentencing”], 1172.75, subd. (d)(2) [identical language requiring resentencing under current law after striking a prior prison term enhancement].) Citing these provisions, the majority reasons that “[t]he Legislature knows how to provide for full resentencing, and it did not do so for petitioner under the terms of section 12022.53, subdivision (h).” (Maj. opn., *ante*, at p. 27.) This logic does not withstand scrutiny.

First, there would be no reason for the Legislature to specify full resentencing as a direct consequence of relief under Senate Bill 620, as it had for other Penal Code provisions. Senate Bill 620, unlike resentencing under sections 1172.1, 1172.7, and 1172.75, did not create its own retroactive mechanism for resentencing relief. As a result, there are only two classes of cases in which Senate Bill 620 would be given retroactive effect: (1) cases in which another mechanism triggered resentencing, and (2) nonfinal cases pending on direct appeal on the effective date of the legislation. The Legislature explicitly addressed the cases in which Senate Bill 620 would

apply retroactively due to resentencing under another law. (§12022.53, subd. (h).) And, as the majority itself recognizes, remand for resentencing due to a direct appeal pending when Senate Bill 620 took effect would *necessarily* trigger full resentencing in virtually all cases. (See maj. opn., *ante*, at p. 17 [“This situation is wholly distinct from [those] where ameliorative legislation became effective *while the direct appeal was still pending*” to which the full resentencing rule would apply].)

The only reason Esquivias did not receive a straightforward remand, and full resentencing, was due to the rare and idiosyncratic timing of his case. The effective date of Senate Bill 620 happened to straddle the narrow window between our denial of his direct appeal and the expiration of time to seek certiorari. (Maj. opn., *ante*, at p. 24.) It is unlikely the Legislature would have anticipated this case’s unusual procedural posture. Thus, the Legislature’s failure to include an express reference to full resentencing says little if anything about its intent under these circumstances. That Esquivias’s case is in the class of cases which the majority acknowledges *normally* triggers full resentencing suggests that the Legislature would expect full resentencing to apply here, even if it did not explicitly reference it.

Nor does the Legislature’s express call for full resentencing in sections 1172.1, 1172.7, and 1172.75 provide any evidence that the Legislature did not wish the default rule to be full resentencing after habeas relief, partial or otherwise. Habeas corpus relief has been a constant fixture in our cases for the many decades since *Estrada* was decided. We repeatedly have affirmed that the appropriate procedure for habeas corpus remedies involving failure of the trial court to exercise its

sentencing discretion is for the petitioner to be “treated as though before the court at the time of pronouncement of judgment and . . . be entitled to all the normal procedures and rights available at that time.” (*Cortez, supra*, 6 Cal.3d at p. 88; *Belmontes, supra*, 34 Cal.3d at p. 348, fn. 8; see *Romero, supra*, 13 Cal.4th at 530, fn. 13; see also *Padilla, supra*, 13 Cal.5th at p. 170 [applying new ameliorative law at resentencing].)⁸ Nothing in recent legislative enactments can or should cast doubt on the Legislature’s intent in construing the habeas statute, a statute passed long before recent criminal resentencing reforms specifying full resentencing.⁹

⁸ The majority correctly notes that all of these cases dealt with claims that were themselves fully retroactive and the question of whether defendants received the benefits of these decisions did not hinge on the application of *Estrada*. (Maj. opn., ante, at pp. 29–30, fn. 12.) But the authority of the habeas corpus court to resolve downstream *Estrada* questions that flow from a grant of discretionary sentencing relief has nothing to do with whether the *underlying claim* that resulted in relief happened to involve *Estrada*. Most claims resulting in habeas corpus relief have nothing to do with *Estrada*. The question posed by Esquivias is whether, when a petitioner has obtained partial relief through a habeas corpus petition, ameliorative law applies at resentencing with respect to *other* aspects of the sentence. *Cortez, Belmontes*, and *Romero* all dictate that when defendants obtain such discretionary resentencing relief they should be treated as though sentenced for the first time and be afforded all rights and procedures available at a sentencing hearing. (*Cortez, supra*, 6 Cal.3d at p. 88.) That includes application of current law.

⁹ Even were these statutes relevant for the negative implication cited by the majority, they are only weakly so. “[A]n expression of legislative intent in a later enactment is not binding upon a court in its construction of an earlier enacted

The majority’s claim that the Legislature “knows how” to dictate full resentencing if it so chooses is particularly unavailing given that we rejected very similar arguments in *Padilla*. In *Padilla*, the Attorney General cited Senate Bill 620’s provision that “the new discretion courts have to dismiss [firearm] enhancements ‘applies to any resentencing that may occur pursuant to any other law.’” (*Padilla, supra*, 13 Cal.5th at p. 169.) In the Attorney General’s view, this phrasing was a sign that “the Legislature does not generally intend ameliorative laws to apply when a defendant’s sentence has been vacated.” (*Ibid.*) We found this argument — that the “Legislature knows how to provide for full resentencing” (maj. opn., *ante*, at p. 27) — unpersuasive. We reasoned that the “Legislature was entitled to take a belt-and-suspenders approach to ensuring that *the firearm enhancement reform it passed would apply broadly.*” (*Padilla*, at p. 169, italics added.)

Rather than serving as contrary evidence, sections 1172.7 and 1172.75 help explain *why* full application of current ameliorative laws is warranted at resentencing proceedings. Senate Bill No. 483 (2021–2022 Reg. Sess.) (Senate Bill 483) gave rise to these statutes in their current, retroactive form. In passing Senate Bill 483, the Legislature expressly identified that the two sentencing enhancements it retroactively invalidated had often been applied in a racially discriminatory manner. The Legislature explained that the elimination of the prior prison term enhancement and the three-year term for prior conviction of certain drug crimes in sections 1172.7 and

statute, [although] it is a factor that may be considered.’” (*Pacific Lumber Co. v. State Water Resources Control Bd.* (2006) 37 Cal.4th 921, 940.)

1172.75 was necessary “in order to ensure equal justice and address systemic racial bias in sentencing.” (Stats. 2021, ch. 728, § 1.) The Assembly Committee on Public Safety’s analysis of Senate Bill 483 emphasized the bill author’s statement “ ‘that long prison and jail sentences have no positive impact on public safety, but are demonstrably injurious to families and communities — particularly Black, Latino, and Native Americans in the United States and in California.’ ” (Assem. Com. on Public Safety, Analysis of Sen. Bill No. 483 (2021–2022 Reg. Sess.) as amended July 7, 2021, p. 3.) In other words, the Legislature, in dictating full resentencing under current law, was acutely aware that the sentencing practices of the past had been applied unevenly to different racial and ethnic groups.

Legislative intent to address and remedy laws which have been disparately applied on racial and ethnic lines has direct salience to this case. Here, the trial court’s allegedly “equitable” refusal to apply current law involved Assembly Bill 333, a law addressing sentencing enhancements flagged by the Legislature as potentially racially discriminatory. Refusal to allow full resentencing to address this enhancement is inconsistent with the Legislature’s concerted efforts to unwind enhancements that may have been discriminatorily applied.

Our *Estrada* jurisprudence has long recognized that ameliorative laws should “apply as broadly as is constitutionally permissible.” (*People v. Esquivel* (2021) 11 Cal.5th 671, 677.) Esquivias was sentenced to significant enhancements under laws whose discriminatory flaws have been identified by the Legislature and reformed. (Stats. 2021, ch. 699, § 2, subds. (a), (d)(4), (10).) This should be a compelling justification to afford broad, rather than narrow, application of *Estrada* in this case.

(See *People v. Burgos* (2024) 16 Cal.5th 1, 33–42 (dis. opn. of Evans, J.) (*Burgos*).)

I share Justice Groban’s recent observation that the architecture of our *Estrada* doctrine rests on presumptions and “less than perfect analytical tools to determine what we believe [the Legislature] meant.” (*Burgos, supra*, 16 Cal.5th at p. 32 (conc. opn. of Groban, J.).) I also concur with the view that “the Legislature can take a more preferable course and plainly state” its intended outcome. (*Ibid.*) I encourage the Legislature to clarify whether it wishes courts to conduct full resentencing, applying current law, after a grant of habeas, or indeed in resentencing generally.

By granting habeas corpus relief and modifying Esquivias’s sentence by striking his firearm enhancements under Senate Bill 620, the trial court rendered Esquivias’s case nonfinal and subject to application of all intervening ameliorative laws, including Assembly Bill 333. Accordingly, I would reverse the Court of Appeal and remand for resentencing at which the trial court would apply current law, including Assembly Bill 333. I therefore respectfully dissent.

EVANS, J.

I Concur:

LIU, J.

See next page for addresses and telephone numbers for counsel who argued in Supreme Court.

Name of Opinion People v. Esquivias

Procedural Posture (see XX below)

Original Appeal

Original Proceeding

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