Published California Appellate Cases on Compassionate Release

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RECENT CASES (2023 TO 2026)

People v. Espinosa (2026), No. E085176 NEW

Fourth Appellate District, Division Two | Riverside County | Filed August 31, 2026 | Certified for publication

Facts: A 90-year-old man with dementia and stroke damage, who needed help with most daily activities, had been on medical parole in a long-term care facility since January 2023. CDCR recommended compassionate release in November 2024. The trial court recalled his sentence and ordered release, but did not resentence him.

Holding: Affirmed with directions. Recall and resentencing are separate steps, so the trial court must also resentence him. Compassionate release implies placement on parole or postrelease community supervision, and the court may order either. The Board of Parole Hearings, not the court, sets parole conditions.

Evidence lessons: A compassionate release hearing may consider reliable hearsay. CDCR's report should not have been considered because it did not identify its original sources, but the error was harmless because the care facility's records and a CDCR physician's testimony supported the finding. The court assumed that allowing the physician's Zoom testimony without the prosecution's consent was error, but the prosecution forfeited the issue by not showing prejudice.

Why it matters: A Compassionate Release Comprehensive Package should rest on original medical records, not only summaries, and a release order is not complete until the person is resentenced.

People v. Brinston (2026) 120 Cal.App.5th 972

First Appellate District | No. A173470 | Filed May 28, 2026

Facts: CDCR reported that he was permanently medically incapacitated. Ankylosing spondylitis had stiffened his joints and taken the strength from his legs. The trial court relied on a 2022 parole board finding.

Holding: Reversed the denial as an abuse of discretion. His severely restricted physical condition meant the record did not support an unreasonable risk of a new "super strike," so the finding could not overcome the presumption favoring release.

People v. Lewis (2024) 101 Cal.App.5th 401

Fourth Appellate District, Division Two

Facts: Rapidly progressing ALS, diagnosed in 2023, with loss of use of his arms, trouble breathing and swallowing, and less than six months to live.

Holding: Reversed the denial. His "mere capacity" to commit a crime by speaking, such as soliciting a murder, was not substantial evidence of an unreasonable risk of a super strike.

People v. Multani (2024) 106 Cal.App.5th 1334

Second Appellate District, Division Three

Facts: Stage IV lung cancer that spread to the brain, but kept stable by targeted chemotherapy for seven years.

Holding: Affirmed the denial. An "end-of-life trajectory" means the illness is progressing toward death when release is sought, not only that it is incurable.

Nijmeddin v. Superior Court (2023) 90 Cal.App.5th 77

Sixth Appellate District | Monterey County

Holding: Reversed the denial because the trial court did not use the correct dangerousness standard, which asks whether the person poses an unreasonable risk of committing a "super strike" violent felony.

EARLIER PUBLISHED CASES (2010 TO 2020)

People v. Loper (2015) 60 Cal.4th 1155

California Supreme Court

Holding: A denial of compassionate release is an appealable order, so incarcerated people have the right to appeal.

People v. Torres (2020) 48 Cal.App.5th 550

Fourth Appellate District

Facts: A 76-year-old man with terminal cancer, in a wheelchair and unable to move his head, recommended for release.

Holding: Reversed the denial. A court cannot deny release because it believes the person does not "deserve" it when the statutory criteria are met.

People v. Servin (2019)

Fourth Appellate District, Division Three

Significance: The person died while the appeal was pending. The court issued an opinion anyway to stress that compassionate release appeals must be handled quickly.

Martinez v. Board of Parole Hearings (2010) 183 Cal.App.4th 578

Significance: Applies a "some evidence" standard of review to the Secretary's recommendation and says trial court discretion is "not unfettered."

Finding unpublished decisions:

1. California Courts website (courts.ca.gov)
2. Google Scholar, Justia, and FindLaw
3. Prison Law Office (prisonlaw.com)
4. County Superior Court records

California Rules of Court generally bar citing unpublished opinions in court filings, so use them for research only.

Sources: law.co/app/cases/9000007168 · law.justia.com/cases/california/court-of-appeal/2026/e085176.html · prisonlegalnews.org (Oct. 1, 2026) · law.justia.com/cases/california/court-of-appeal/2024/e082085.html · capcentral.org · law.justia.com/cases/california/court-of-appeal/2024/b332945-0.html · caselaw.findlaw.com · criminallegalnews.org