



Kosnett Law Firm Highlights California Felony Sentencing Proposal

October 15, 2026

LOS ANGELES, CA - October 15, 2026 -

Kosnett Law Firm, a California criminal defense practice, highlights proposed revisions to the state's felony sentencing rules scheduled for consideration by the Judicial Council of California on October 16, 2026. The proposal concerns how courts assess aggravating factors when selecting prison terms.

The Criminal Law Advisory Committee has recommended amendments to California Rules of Court 4.420 and 4.421. According to the Judicial Council's published agenda, the revisions address recent appellate decisions involving prior convictions, aggravating circumstances, and judicial discretion during sentencing.

The recommendation appears as Item 26-142 on the October 16 agenda. If adopted as proposed, the amendments would take effect January 1, 2027. As of October 15, the recommendations remain pending and should not be treated as changes already in force.

California law provides lower, middle, and upper prison terms for certain felony offenses. A court's selection

among those terms depends on governing statutes, the circumstances established in the proceedings, and applicable sentencing requirements.

The proposed amendment to Rule 4.420 would clarify that judges retain discretion when determining the weight assigned to an aggravating circumstance, even when that circumstance has been properly pleaded and proved. The committee describes this as a clarification of existing authority, not an expansion of judicial sentencing power.

The committee also addresses the California Supreme Court's 2025 decision in *People v. Wiley*, concerning consideration of prior convictions. Its proposal would clarify how the fact of a prior conviction may be used within the applicable sentencing framework.

A related revision to Rule 4.421 responds to *Lovelace v. Superior Court*, a 2025 appellate decision examining aggravating circumstances and upper-term sentencing. The proposed commentary discusses how restrictions concerning upper-term sentences interact with other aspects of judicial discretion.

These distinctions matter because a sentencing decision must rest on legally permissible considerations and comply with procedural requirements. The applicability of any aggravating circumstance depends on the relevant statute and the record of the individual case.

Kosnett Law Firm represents individuals facing criminal charges in California state and federal courts. According to its website, its practice encompasses felony and misdemeanor matters involving drug offenses, assault, theft, robbery, burglary, firearms, domestic violence, and driving under the influence.

The firm also identifies post-conviction relief and record-related matters among its services. Its published attorney profiles identify James V. Kosnett and Louis V. Kosnett as members of the practice.

The sentencing proposal is relevant to criminal proceedings in which an upper prison term may be considered. However, the proposed amendments do not establish that any particular defendant will receive a different sentence. Judges must continue applying the controlling law and the facts presented in each proceeding.

The proposal illustrates the role of court rules in documenting how sentencing factors are evaluated. It also underscores why the wording of judicial findings and the legal basis for an upper-term sentence remain important in criminal case records.

The committee states that its proposed clarification regarding Rule 4.420 is intended to reflect existing statutory provisions and appellate interpretations. The council's decision at its scheduled meeting will

determine whether the recommendations are adopted.

Official materials, including the agenda item and supporting proposal, are available through the Judicial Council of California. Information about Kosnett Law Firm and its criminal defense practice areas is available on the firm's official website.

Kosnett Law Firm lists its principal office at 11400 W Olympic Blvd #200, Los Angeles, CA 90064. The firm also identifies additional California office locations on its website.

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Kosnett Law Firm

Kosnett Law Firm provides criminal defense representation in Los Angeles and throughout California. Our attorneys handle DUI, domestic violence, drug crimes, assault, felonies, and federal charges, protecting clients' rights and futures.

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