



Supreme Court of California
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NEWS RELEASE

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FOR IMMEDIATE RELEASE

November 23, 2022

Summary of Cases Accepted and Related Actions During Week of November 21, 2022

[This news release is issued to inform the public and the press of cases that the Supreme Court has accepted and of their general subject matter. The statement of the issue or issues in each case set out below does not necessarily reflect the view of the court, or define the specific issues that will be addressed by the court.]

#22-297 *People v. Brown*, S276874. (E079192; nonpublished opinion; Riverside County Superior Court; RIF1409333.) Petition for review after the Court of Appeal dismissed an appeal from an order denying a post-judgment motion in a criminal matter. The court ordered briefing deferred pending decision in *People v. Delgadillo*, S266305 (#21-72), which presents the following issues: (1) What procedures must appointed counsel and the Courts of Appeal follow when counsel determines that an appeal from an order denying postconviction relief lacks arguable merit? (2) Are defendants entitled to notice of these procedures?

#22-298 *People v. Fuller*, S276762. (E071794; 83 Cal.App.5th 394; Riverside County Superior Court; RIF1701359.) Petition for review after the Court of Appeal affirmed in part and reversed in part a judgment of conviction of criminal offenses and remanded for further proceedings. The court ordered briefing deferred pending decision in *People v. McDavid*, S275940 (#22-261), which presents the following issue: Does the trial court have discretion to strike a firearm enhancement imposed pursuant to Penal Code section 12022.53 and instead impose a lesser uncharged firearm enhancement pursuant to a different statute (Pen. Code, § 12022.5)?

#22-299 *People v. Maetta*, S276712. (G059912; nonpublished opinion; Orange County Superior Court; 07NF2428.) Petition for review after the Court of Appeal reversed an order denying a post-judgment motion in a criminal matter and remanded for further proceedings. The court ordered briefing deferred pending decision in *People v. Prudholme*, S271057 (#21-531), which presents the following issues: (1) Does Assembly Bill No. 1950 (Stats. 2020, ch. 328) apply retroactively under *In re Estrada* (1965) 63 Cal.2d 740? (2) If so, does the remand procedure of *People v. Stamps* (2020) 9 Cal.5th 685 apply?

#22-300 *People v. Rodriguez*, S276889. (B316391; nonpublished opinion; Los Angeles County Superior Court; BA477061.) Petition for review after the Court of Appeal affirmed a judgment of conviction of criminal offenses. The court ordered briefing deferred pending decision in *People v. Lynch*, S274942 (#22-217), which presents the following issue: What prejudice standard applies on appeal when determining whether a case should be remanded for resentencing in light of newly-enacted Senate Bill No. 567 (Stats. 2021, ch. 731)? and pending decision in *People v. Salazar*, S275788 (#22-264), which presents the following issue: Did the Court of Appeal err by finding the record clearly indicates the trial court would not have imposed a low term sentence if it had been fully aware of its discretion under newly-added subdivision (b)(6) of Penal Code section 1170? (See *People v. Gutierrez* (2014) 58 Cal.4th 1354, 1391.)

#22-301 *People v. Singh*, S276885. (F082580, F082584; nonpublished opinion; Madera County Superior Court; MCR060560.) Petition for review after the Court of Appeal modified and affirmed a judgment of conviction of criminal offenses. The court ordered briefing deferred pending decision in *People v. Lynch*, S274942 (#22-217), which presents the following issue: What prejudice standard applies on appeal when determining whether a case should be remanded for resentencing in light of newly-enacted Senate Bill No. 567 (Stats. 2021, ch. 731)?

DISPOSITIONS

The following cases were transferred for reconsideration in light of *People v. Strong* (2022) 13 Cal.5th 698:

#22-92 <i>People v. Abernathy</i>, S273297	(C092495; nonpublished opinion; Sacramento County Superior Court; 93F06757)
#22-142 <i>People v. Allen</i>, S274029	(C093465; nonpublished opinion; Sacramento County Superior Court; 05F03498)
#22-93 <i>People v. Allen</i>, S273398	(F081607; nonpublished opinion; Kern County Superior Court; BF116603A)
#22-33 <i>People v. Berry</i>, S272412	(B307146; nonpublished opinion; Los Angeles County Superior Court; KA064692)

#22-70 <i>People v. Collins</i> , S272979	(C093043; nonpublished opinion; Sacramento County Superior Court; 98F10648)
#22-44 <i>People v. Ellis</i> , S272417	(C092613; nonpublished opinion; Sacramento County Superior Court; 05F03831)
#21-525 <i>People v. Gallow</i> , S271211	(B300252; nonpublished opinion; Los Angeles County Superior Court; BA091853)
#22-94 <i>People v. Garcia</i> , S273428	(B308824; nonpublished opinion; Los Angeles County Superior Court; BA110432)
#22-72 <i>People v. Harper</i> , S273175	(E074670; nonpublished opinion; Riverside County Superior Court; RIF100702)
#22-80 <i>People v. Howard</i> , S273357	(E076084; nonpublished opinion; San Bernardino County Superior Court; FSB03736)
#22-60 <i>People v. McDaniel</i> , S272828	(C092707; nonpublished opinion; Sacramento County Superior Court; 95F07955)
#22-61 <i>People v. McPherson</i> , S272966	(C093340; nonpublished opinion; Sacramento County Superior Court; 11F05321)
#22-96 <i>People v. Pierce</i> , S273403	(C093003; nonpublished opinion; Sacramento County Superior Court; 06F04599)
#22-51 <i>People v. Rangel</i> , S272493	(B311083; nonpublished opinion; Los Angeles County Superior Court; KA050596)

#22-38 <i>People v. Whitehead</i>, S272578	(C093261; nonpublished opinion; Sacramento County Superior Court; 08F03645)
#22-47 <i>People v. Wilson</i>, S272617	(C092385; nonpublished opinion; Sacramento County Superior Court; 04F06813)
#22-110 <i>People v. Hundley</i>, S273685	(C092618; nonpublished opinion; Sacramento County Superior Court; 08F09808)
#22-98 <i>People v. Richardson</i>, S273249	(B308673; nonpublished opinion; Los Angeles County Superior Court; PA024559)
#22-71 <i>People v. Wallace</i>, S273024	(C092426; nonpublished opinion; Sacramento County Superior Court; 95F02739)

Review in the following cases, which were granted and held for *People v. Strong* (2022) 13 Cal.5th 698, was dismissed:

#21-457 <i>People v. Cervantes</i>, S270208	(B304428; nonpublished opinion; Los Angeles County Superior Court; BA081733)
#22-79 <i>People v. Felix</i>, S273283	(D078931; nonpublished opinion; Riverside County Superior Court; SWF1100211)
#22-124 <i>People v. Garcia</i>, S273715	(B307896; nonpublished opinion; Los Angeles County Superior Court; VA070524)
#22-95 <i>People v. Johnson</i>, S273513	(B310328; nonpublished opinion; Los Angeles County Superior Court; MA028813)

#22-105 <i>People v. Ortega</i>, S273451	(B308609; nonpublished opinion; Los Angeles County Superior Court; BA191775)
#22-137 <i>People v. Rembert</i>, S274013	(G059690; nonpublished opinion; Orange County Superior Court; C-94692)
#22-97 <i>People v. Reynolds</i>, S273529	(G059799; nonpublished opinion; Orange County Superior Court; 08NF4115)
#22-74 <i>People v. Rios</i>, S273138	(B310532; nonpublished opinion; Los Angeles County Superior Court; BA109070)
#22-53 <i>People v. Sheard</i>, S272770	(B308523; nonpublished opinion; Los Angeles County Superior Court; GA039399)
#22-54 <i>People v. Talmadge</i>, S272778	(B310726; nonpublished opinion; Los Angeles County Superior Court; GA039399)
#22-46 <i>People v. Vega</i>, S272701	(B308245; nonpublished opinion; Los Angeles County Superior Court; BA314454)

Review in the following case, which was granted and held for *People v. Aguayo* (2022) 13 Cal.5th 974, was dismissed:

#21-518 <i>People v. Smith</i>, S270943	(A159254; nonpublished opinion; Sonoma County Superior Court; SCR7228701)
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The Supreme Court of California is the state's highest court and its decisions are binding on all other California state courts. The court's primary role is to decide matters of statewide importance and to maintain uniformity in the

law throughout California by reviewing matters from the six districts of the California Courts of Appeal and the fifty-eight county superior courts (the trial courts). Among its other duties, the court also decides all capital appeals and related matters and reviews both attorney and judicial disciplinary matters.