



**SUPREME COURT OF CALIFORNIA
ORAL ARGUMENT CALENDAR
SAN FRANCISCO SESSION
JANUARY 6, 2023
FIRST AMENDED**

Pursuant to Administrative Order No. [2022-10-05 \(October 5, 2022\)](#), in November 2022 the Supreme Court resumed in-person oral argument in its San Francisco courtroom. Under this order, which supersedes Administrative Orders Nos. [2020-03-13 \(March 16, 2020\)](#), [2020-03-27 \(March 27, 2020\)](#), and [2020-08-19 \(August 19, 2020\)](#), counsel have the option to appear in person, or remotely via video. The public will continue to have access to argument via live-streaming on the judicial branch website: <https://supreme.courts.ca.gov/>.

The following cases are placed upon the calendar of the Supreme Court for hearing at its courtroom in the Ronald M. George State Office Complex, Earl Warren Building, 350 McAllister Street, Fourth Floor, San Francisco, California, on January 6, 2023.

FRIDAY, JANUARY 6, 2023 — 9:00 A.M.

- (1) In re Lopez (Rico Ricardo) on Habeas Corpus, S258912
- (2) In re Jenkins (Jasmine) on Habeas Corpus, S267391

1:30 P.M.

- (3) In re Ferrell (Tyree) on Habeas Corpus, S265798
- (4) People v. Brown (Dajah), S271877
- (5) G. (Michael) et al. v. Superior Court of Orange County (Orange County Social Services Agency et al., Real Parties in Interest), S271809

GUERRERO

Chief Justice

If exhibits are to be transmitted to this court, counsel must apply to the court for permission. (See Cal. Rules of Court, rule 8.224(c).)

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The following case summaries are issued to inform the public about cases that the California Supreme Court has scheduled for oral argument and of their general subject matter. In most instances, the descriptions set out below are reproduced from the original news release issued when review in each of these matters was granted and are provided for the convenience of the public. The descriptions do not necessarily reflect the view of the court or define the specific issues that will be addressed by the court.

FRIDAY, JANUARY 6, 2023 — 9:00 A.M.

(1) *In re Lopez (Rico Ricardo) on Habeas Corpus, S258912*

#20-15 In re Lopez, S258912. (A152748; nonpublished opinion; Sonoma County Superior Court; SCR32760.) Petition for review after the Court of Appeal reversed an order granting relief on a petition for writ of habeas corpus. This case presents the following issues: (1) Does a true finding on a gang-killing special circumstance (Pen. Code, § 190.2, subd. (a)(22)) render *Chiu* error (*People v. Chiu* (2014) 59 Cal.4th 155) harmless? (2) To what extent or in what manner, if any, may a reviewing court consider the evidence in favor of a legally valid theory in assessing whether it is clear beyond a reasonable doubt that the jury based its verdict on the valid theory, when the record contains indications that the jury considered the invalid theory? (See *People v. Aledamat* (2019) 8 Cal.5th 1.)

(2) *In re Jenkins (Jasmine) on Habeas Corpus, S267391*

#21-204 In re Jenkins, S267391. (B301638; nonpublished opinion; Los Angeles County Superior Court; BA467828.) Petition for review after the Court of Appeal denied a petition for writ of habeas corpus. The court limited review to the following issue: When a habeas corpus petitioner claims not to have received a fair trial because the district attorney failed to disclose material evidence in violation of *Brady v. Maryland* (1963) 373 U.S. 83 — and when the Attorney General has knowledge of, or is in actual or constructive possession of, such evidence — what duty, if any, does the Attorney

General have to acknowledge or disclose that evidence to the petitioner? Would any such duty be triggered only upon issuance of an order to show cause?

1:30 P.M.

(3) *In re Ferrell (Tyree) on Habeas Corpus, S265798*

#21-203 *In re Ferrell, S265798*. Original proceeding. The court issued an order to show cause why relief should not be granted on the ground that the jury's true finding on the Penal Code section 12022.53, subdivision (d) enhancement did not render the *People v. Chun* (2009) 45 Cal.4th 1172 error harmless beyond a reasonable doubt.

(4) *People v. Brown (Dajah), S271877*

#21-561 *People v. Brown, S271877*. (H048462; 69 Cal.App.5th 15, mod. 69 Cal.App.5th 765b, mod. 69 Cal.App.5th 765c; Santa Clara County Superior Court; C1646865, AP002184.) Petition for review after the Court of Appeal reversed an order of a criminal proceeding and remanded with directions. This case presents the following issue: Did the trial court err in granting the People's motion under Penal Code section 1050 to continue the hearing on a motion to suppress evidence, when it was reasonably foreseeable that denying the continuance would result in a dismissal of the case but the People otherwise failed to show good cause for a continuance?

(5) *G. (Michael) et al. v. Superior Court of Orange County (Orange County Social Services Agency et al., Real Parties in Interest), S271809*

#22-12 *Michael G. v. Superior Court, S271809*. (G060407; 69 Cal.App.5th 1133; Orange County Superior Court; 19DP1381.) Petition for review after the Court of Appeal affirmed an order in a juvenile dependency proceeding. This case presents the following issue: Are juvenile courts required to extend reunification efforts beyond the 18-month review when families have been denied adequate reunification services in the preceding review period?