



Supreme Court of California  
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**NEWS RELEASE**

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**FOR IMMEDIATE RELEASE**

April 15, 2022

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## Summary of Cases Accepted and Related Actions During Week of April 11, 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.]*

**#22-91 *Truck Insurance Exchange v. Kaiser Cement, S273179.*** (B278091; nonpublished opinion; Los Angeles County Superior Court; BC249550.) Petition for review after the Court of Appeal affirmed in part and reversed in part the judgment in a civil action. The court limited review to the following issue: May a primary insurer seek equitable contribution from an excess insurance carrier after the primary policy underlying the excess policy has been exhausted (vertical exhaustion), or is equitable contribution from an excess insurance carrier available only after *all* primary policies have been exhausted (horizontal exhaustion)?

**#22-92 *People v. Abernathy, S273297.*** (C092495; nonpublished opinion; Sacramento County Superior Court; 93F06757.) Petition for review after the Court of Appeal affirmed an order denying a post-judgment motion in a criminal matter.

**#22-93 *People v. Allen, S273398.*** (F081607; nonpublished opinion; Kern County Superior Court; BF116603A.) Petition for review after the Court of Appeal affirmed an order denying a post-judgment motion in a criminal matter.

**#22-94 *People v. Garcia, S273428.*** (B308824; nonpublished opinion; Los Angeles County Superior Court; BA110432.) Petition for review after the Court of Appeal affirmed an order denying post-judgment motions in a criminal matter.

**#22-95 *People v. Johnson, S273513.*** (B310328; nonpublished opinion; Los Angeles County Superior Court; MA028813.) Petition for review after the Court of Appeal reversed an order denying a post-judgment motion in a criminal matter.

**#22-96 *People v. Pierce, S273403.*** (C093003; nonpublished opinion; Sacramento County Superior Court; 06F04599.) Petition for review after the Court of Appeal affirmed an order denying a post-judgment motion in a criminal matter.

**#22-97 *People v. Reynolds, S273529.*** (G059799; nonpublished opinion; Orange County Superior Court; 08NF4115.) Petition for review after the Court of Appeal reversed an order denying a post-judgment motion in a criminal matter.

**#22-98 *People v. Richardson, S273249.*** (B308673; nonpublished opinion; Los Angeles County Superior Court; PA024559.) Petition for review after the Court of Appeal affirmed an order denying a post-judgment motion in a criminal matter.

The court ordered briefing in *Abernathy, Allen, Garcia, Johnson, Pierce, Reynolds,* and *Richardson* deferred pending decision in *People v. Strong, S266606* (#21-101), which presents the following issue: Does a felony-murder special circumstance finding (Pen. Code, § 190.2, subd. (a)(17)) made before *People v. Banks* (2015) 61 Cal.4th 788 and *People v. Clark* (2016) 63 Cal.4th 522 preclude a defendant from making a prima facie showing of eligibility for relief under Penal Code section 1170.95?

**#22-99 *People v. Cesena, S273455.*** (E076213; nonpublished opinion; San Bernardino County Superior Court; FWV17002606.) Petition for review after the Court of Appeal affirmed an order denying a post-judgment motion in a criminal matter. The court ordered briefing deferred pending decision in *People v. Espinoza, S269647* (#21-453), which presents the following issue: Did the Court of Appeal err in ruling that defendant failed to adequately corroborate his claim that immigration consequences were a paramount concern and thus that he could not demonstrate prejudice within the meaning of Penal Code section 1473.7?

**#22-100 *People v. De La Cruz, S273490.*** (B312111; nonpublished opinion; Los Angeles County Superior Court; BA198877.) 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?

#### DISPOSITIONS

Review in the following case was dismissed at the request of the petitioner:

#20-297 <i>People v. Galvan</i> , S264284	(B300323; 52 Cal.App.5th 1134; Los Angeles County Superior Court; BA390560)
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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.*