



Supreme Court of California
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NEWS RELEASE

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FOR IMMEDIATE RELEASE

July 15, 2022

Summary of Cases Accepted and Related Actions During Week of July 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.]

#22-187 *Rodriguez v. FCA US, LLC*, S274625. (E073766; 77 Cal.App.5th 209; Riverside County Superior Court; RIC1807727.) Petition for review after the Court of Appeal affirmed the judgment in a civil action. This case presents the following issue: Is a used vehicle that is still covered by the manufacturer’s express warranty a “new motor vehicle” within the meaning of Civil Code section 1793.22, subdivision (e)(2), which defines “new motor vehicle” as including a “motor vehicle sold with a manufacturer’s new car warranty”?

#22-188 *People v. Barragan*, S274905. (B308259; nonpublished opinion; Los Angeles County Superior Court; BA068035.) Petition for review after the Court of Appeal affirmed an order denying a post-judgment motion in a criminal matter.

#22-189 *People v. Hearn*, S274615. (F081651; nonpublished opinion; Kern County Superior Court; SC076841A.) Petition for review after the Court of Appeal affirmed an order denying a post-judgment motion in a criminal matter.

#22-190 *People v. Hunter*, S274812. (G060174; nonpublished opinion; Orange County Superior Court; 95WF2035.) Petition for review after the Court of Appeal reversed an order denying a post-judgment motion in a criminal matter.

#22-191 *People v. Richson*, S274417. (B307055; nonpublished opinion; Los Angeles County Superior Court; YA043942.) Petition for review after the Court of Appeal reversed an order denying a post-judgment motion in a criminal matter.

#22-192 *People v. Wickham*, S274937. (F080934; nonpublished opinion; Fresno County Superior Court; CF93499723.) 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 *Barragan*, *Hearn*, *Hunter*, *Richson*, and *Wickham* 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?

#22-193 *People v. Buchanan*, S274254. (B305671; nonpublished opinion; Los Angeles County Superior Court; BA464579.) Petition for review after the Court of Appeal affirmed in part and conditionally reversed in part a judgment of conviction of criminal offenses and remanded for further proceedings.

#22-194 *People v. Burgos*, S274743. (H045212; 77 Cal.App.5th 550; Santa Clara County Superior Court; C1518795, C1756994.) Petition for review after the Court of Appeal conditionally reversed a judgment of conviction of criminal offenses and remanded for further proceedings.

#22-195 *People v. Gonzalez*, S274915. (G060374; nonpublished opinion; Santa Clara County Superior Court; C1634801.) Petition for review after the Court of Appeal modified and affirmed a judgment of conviction of criminal offenses.

#22-196 *People v. Harper*, S274930. (A153332; nonpublished opinion; Contra Costa County Superior Court; 51617695.) Petition for review after the Court of Appeal conditionally reversed a judgment of conviction of a criminal offense and remanded for further proceedings.

#22-197 *People v. Jones*, S274606. (B306118; nonpublished opinion; Santa Barbara County Superior Court; 18CR06985.) Petition for review after the Court of Appeal affirmed in part and conditionally reversed in part a judgment of conviction of criminal offenses and remanded for further proceedings.

The court ordered briefing in *Buchanan*, *Burgos*, *Gonzalez*, *Harper*, and *Jones* deferred pending decision in *People v. Tran*, S165998, an automatic appeal, which includes an issue involving the retroactivity of the provision in Assembly Bill No. 333 (Stats. 2021, ch. 699) permitting the bifurcation of gang allegations at trial (Pen. Code, § 1109).

#22-198 *Cooper v. County of San Diego*, S274414. (D077872; nonpublished opinion; San Diego County Superior Court; 37-2018-00026166-CU-PA-CTL.) Petition for review

after the Court of Appeal affirmed the judgment in a civil action. The court ordered briefing deferred pending decision in *Tansavatdi v. City of Rancho Palos Verdes*, S267453 (#21-185), which presents the following issue: Can a public entity be held liable under Government Code section 830.8 for failure to warn of an allegedly dangerous design of public property if the design itself is entitled to immunity under Government Code section 830.6?

#22-199 *People v. Curiel*, S274467. (F081143; nonpublished opinion; Tulare County Superior Court; VCF170009A.) 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. Curiel*, S272238 (#21-23), which presents the following issue: Does a jury's true finding on a gang-murder special circumstance (Pen. Code, § 190.2, subd. (a)(22)) preclude a defendant from making a prima facie showing of eligibility for resentencing under Penal Code section 1170.95?

#22-200 *Johnson v. Superior Court*, S274569. (B319328; nonpublished opinion; Los Angeles County Superior Court; ZM016720.) Petition for review after the Court of Appeal denied a petition for writ of mandate. The court ordered briefing deferred pending decision in *Camacho v. Superior Court*, S273391 (#22-118), which presents the following issue: Does a 15-year delay in bringing a defendant to trial under the Sexually Violent Predator Act (Welf. & Inst. Code, § 6600 et. seq) constitute a due process violation?

#22-201 *People v. Valadez*, S274828. (F080618; nonpublished opinion; Tulare County Superior Court; VCF032321B.) 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?

#22-202 *People v. Walden*, S274938. (C093920; nonpublished opinion; Sacramento County Superior Court; 12F04876.) Petition for review after the Court of Appeal dismissed an appeal from an order denying a post-judgment motion in a criminal matter.

#22-203 *People v. Weisner*, S274617. (C095039; 77 Cal.App.5th 1072; San Joaquin County Superior Court; LODCRFE20170002477.) 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 in *Walden* and *Weisner* 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?

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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.