



Supreme Court of California
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NEWS RELEASE

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FOR IMMEDIATE RELEASE

July 29, 2022

Summary of Cases Accepted and Related Actions During Week of July 25, 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.]

#22-211 *County of Santa Clara v. Superior Court*, S274927. (H048486; 77 Cal.App.5th 1018; Santa Clara County Superior Court; 19CV349757.) Petition for review after the Court of Appeal issued a writ of mandate in a civil action. This case presents the following issue: Is Santa Clara County immune under the Government Claims Act (Gov. Code, § 810 et seq.) from an action seeking reimbursement for emergency medical care provided to persons covered by the county's health care service plan?

#22-212 *People v. Glukhoy*, S274792. (C084169; 77 Cal.App.5th 576; Placer County Superior Court; 62129389B, 62129389C.) Petitions for review after the Court of Appeal modified and affirmed judgments of conviction of criminal offenses. The court ordered briefing deferred pending decision in *In re Lopez*, S258912 (#20-15), which 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.)

#22-213 *People v. Juarez*, S274895. (F083314; nonpublished opinion; Fresno County Superior Court; CF92461258.) Petition for review after the Court of Appeal affirmed an order denying a post-judgment motion in a criminal matter.

#22-214 *People v. Zepeda*, S275198. (G059826; nonpublished opinion; Orange County Superior Court; 12CF1289.) Petition for review after the Court of Appeal reversed an order denying a post-judgment motion in a criminal matter.

The court ordered briefing in *Juarez* and *Zepeda* 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?

#22-215 *People v. Phenneger*, S274865. (F078550; nonpublished opinion; Kings County Superior Court; 15CM1278, 15CM3557E, 15CMS0662, 15CMS0679.) 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 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).

#22-216 *In re Z.T.*, S274842. (A163190; nonpublished opinion; Contra Costa County Superior Court; J2100028, J2100029, J2100030.) Petition for review after the Court of Appeal dismissed the appeal in a juvenile dependency proceeding. The court ordered briefing deferred pending decision in *In re D.P.*, S267429 (#21-251), which presents the following issues: (1) Is an appeal of a juvenile court's jurisdictional finding moot when a parent asserts that he or she has been or will be stigmatized by the finding? (2) Is an appeal of a juvenile court's jurisdictional finding moot when a parent asserts that he or she may be barred from challenging a current or future placement on the Child Abuse Central Index as a result of the finding?

DISPOSITIONS

Review in the following cases, which were granted and held for *People v. Padilla* (2022) 13 Cal.5th 152 and *People v. Federico*, S263082, was dismissed:

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| #21-180 <i>People v. Hwang</i> , S267274 | (C089236; 60 Cal.App.5th 358; Los Angeles County Superior Court; KA048652) |
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| #21-551 <i>People v. Whicker</i> , S271467 | (B307526; nonpublished opinion; Los Angeles County Superior Court; MA058071) |
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Review in the following cases, which were granted and held for *Sheen v. Wells Fargo Bank, N.A.* (2022) 12 Cal.5th 905, was dismissed:

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| #20-38 <i>Bank of America, N.A. v. Phillips</i> , S259482 | (A152201; nonpublished opinion; San Francisco County Superior Court; CGC13531103) |
| #21-358 <i>Beier v. Bank of America</i> , S268569 | (G058753; nonpublished opinion; Orange County Superior Court; 30-2017-00907172) |
| #21-467 <i>Poblete v. Specialized Loan Servicing</i> , S269794 | (C082815; nonpublished opinion; Placer County Superior Court; SCV0036635) |
| #21-70 <i>Sheen v. FCI Lender Services, Inc.</i> , S266017 | (B297640; nonpublished opinion; Los Angeles County Superior Court; BC631510) |

The following cases were transferred for reconsideration in light of *Sheen v. Wells Fargo Bank, N.A.* (2022) 12 Cal.5th 905:

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| #20-196 <i>Weimer v. Nationstar Mortgage, LLC</i> , S262024 | (C080550; 47 Cal.App.5th 341 [non-citable]; Placer County Superior Court; SCV0035286) |
| #20-271 <i>Domondon v. Three Olives Inc.</i> , S263701 | (B292561; nonpublished opinion; Los Angeles; BC641464) |

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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.