



Supreme Court of California  
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**NEWS RELEASE**

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**FOR IMMEDIATE RELEASE**

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## Summary of Cases Accepted and Related Actions During Week of January 9, 2023

*[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.]*

**#23-1 *People v. Hardin*, S277487.** (B315434; 84 Cal.App.5th 273; Los Angeles County Superior Court; A893110.) Petition for review after the Court of Appeal reversed an order denying a post-judgment motion in a criminal matter. This case presents the following issue: Does Penal Code section 3051, subdivision (h), violate the Equal Protection Clause of the Fourteenth Amendment by excluding young adults sentenced to life without the possibility of parole from youth offender parole consideration, while young adults sentenced to parole-eligible terms are entitled to such consideration?

**#23-2 *Ruelas v. County of Alameda*, S277120.** (9th Cir. No. 21-16528; 51 F.4th 1187; Northern District of California; D.C. No. 4:19-cv-07637-JST.) Request under California Rules of Court, rule 8.548, that this court decide a question of California law presented in a matter pending in the United States Court of Appeals for the Ninth Circuit. The question presented is: “Do non-convicted incarcerated individuals performing services in county jails for a for-profit company to supply meals within the county jails and related custody facilities have a claim for minimum wages and overtime under Section 1194 of the California Labor Code in the absence of any local ordinance prescribing or prohibiting the payment of wages for these individuals?”

**#23-3 *People v. Barocio*, S277577.** (B317635; nonpublished opinion; Los Angeles County Superior Court; BA482590.) Petition for review after the Court of Appeal ordered abstract of judgment corrected, remanded for resentencing, and otherwise affirmed a judgment of conviction of criminal offenses. The court ordered briefing deferred 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.)

**#23-4 *People v. Caro*, S277123.** (B315233; nonpublished opinion; Los Angeles County Superior Court; BA450645.) 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. Mitchell*, S277314 (#22-305), which presents the following issue: Does Senate Bill No. 567 (Stats. 2021, ch. 731), which limits a trial court's discretion to impose upper term sentences, apply retroactively to defendants sentenced pursuant to stipulated plea agreements?

**#23-5 *People v. Garcia*, S276858.** (A161579, A161644; 83 Cal.App.5th 240; Alameda County Superior Court; 617384E.) Petitions for review after the Court of Appeal affirmed judgments of conviction of criminal offenses. The court ordered briefing deferred pending decision in *People v. Hardin*, S277487 (#23-1), which presents the following issue: Does Penal Code section 3051, subdivision (h), violate the Equal Protection Clause of the Fourteenth Amendment by excluding young adults sentenced to life without the possibility of parole from youth offender parole consideration, while young adults sentenced to parole-eligible terms are entitled to such consideration?

**#23-6 *People v. Gonzalez*, S277482.** (C086562; nonpublished opinion; Yolo County Superior Court; CRF164909.) 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. Rojas*, S275835 (#22-276), which presents the following issue: Does Assembly Bill No. 333 (Stats. 2021, ch. 699) unconstitutionally amend Proposition 21, if applied to the gang-murder special circumstance (Pen. Code, § 190.2, subd. (a)(22))?

**#23-7 *People v. Jaramillo*, S277475.** (C094172; nonpublished opinion; San Joaquin County Superior Court; STKCRFDV20200007126.) Petition for review after the Court of Appeal ordered abstract of judgment corrected and otherwise affirmed a judgment of conviction of criminal offenses.

**#23-8 *People v. Whyte*, S277463.** (A160769; nonpublished opinion; Sonoma County Superior Court; SCR7243081.) Petition for review after the Court of Appeal affirmed a judgment of conviction of criminal offenses.

The court ordered briefing in *Jaramillo* and *Whyte* 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)?

**#23-9 *People v. Ramirez*, S277540.** (G060355; nonpublished opinion; Orange County Superior Court; 06CF3739.) 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. Curiel*, S272238 (#22-23), 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?

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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.*