



Supreme Court of California
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NEWS RELEASE

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FOR IMMEDIATE RELEASE

January 17, 2025

Summary of Cases Accepted and Related Actions During Week of January 13, 2025

[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.]

#25-1 *Gorobets v. Jaguar Land Rover North America, LLC*, S287946. (B327745; 105 Cal.App.5th 913; Los Angeles County Superior Court; 19STCV11540.) Petition for review after the Court of Appeal affirmed the judgment in a civil action. This case presents the following issue: Is a settlement offer under Code of Civil Procedure section 998 that contains two options inherently invalid, presumptively invalid, or invalid or partially or entirely valid depending on a separate and independent evaluation of each option?

#25-2 *People v. Lopez*, S287814. (F085300; nonpublished opinion; Stanislaus County Superior Court; 1073884.) Petition for review after the Court of Appeal affirmed an order denying a post-judgment motion in a criminal matter. The court limited review to the following issue: Does Penal Code section 1172.6, subdivision (a)(3), which requires defendants to allege that they “could not presently be convicted of murder or attempted murder because of changes to section 188 or 189 made effective January 1, 2019,” render ineligible for relief petitioners who could have raised their challenges to imputed malice on prior direct appeal?

#25-3 *People v. Barnette*, S288294. (D083350; nonpublished opinion; San Diego County Superior Court; SCD148088.) Petition for review after the Court of Appeal reversed an order denying a post-judgment motion in a criminal matter and remanded for resentencing.

#25-4 *People v. Barragan*, S288249. (H051284; nonpublished opinion; Santa Clara County Superior Court; C1518497.) Petition for review after the Court of Appeal

reversed an order denying a post-judgment motion in a criminal matter and remanded for resentencing.

#25-5 *People v. Chlad*, S287963. (E083222; nonpublished opinion; Riverside County Superior Court; BAF002073.) Petition for review after the Court of Appeal reversed an order denying a post-judgment motion in a criminal matter and remanded for resentencing.

#25-6 *People v. Mackey*, S287787. (B334384; nonpublished opinion; Los Angeles County Superior Court; PA077059.) Petition for review after the Court of Appeal reversed an order granting in part and denying in part a post-judgment motion in a criminal matter and remanded for resentencing.

#25-7 *People v. Manzo*, S287954. (D084299; nonpublished opinion; Riverside County Superior Court; RIF143566.) Petition for review after the Court of Appeal reversed a post-judgment order in a criminal matter and remanded for resentencing.

#25-8 *People v. Soria*, S288315. (H051278; nonpublished opinion; Santa Clara County Superior Court; C1491514.) Petition for review after the Court of Appeal reversed an order denying a post-judgment motion in a criminal matter and remanded for resentencing.

#25-9 *People v. Turner*, S288236. (D082925; nonpublished opinion; San Diego County Superior Court; SCD277197.) Petition for review after the Court of Appeal modified and affirmed an order denying a post-judgment motion in a criminal matter.

#25-10 *People v. Waldrop*, S287841. (D083337; nonpublished opinion; San Diego County Superior Court; SCD103413.) Petition for review after the Court of Appeal reversed an order denying a post-judgment motion in a criminal matter and remanded for resentencing.

The court ordered briefing in *Barnette*, *Barragan*, *Chlad*, *Mackey*, *Manzo*, *Soria*, *Turner*, and *Waldrop* deferred pending decision in *People v. Rhodius*, S283169 (#24-34), which presents the following issue: Does Senate Bill No. 483 (Stats. 2021, ch. 728) entitle a defendant to a full resentencing hearing under Penal Code section 1172.75 if the defendant's prior prison term enhancements (Pen. Code, § 667.5, subd. (b)) were imposed and stayed, rather than imposed and executed?

#25-11 *People v. Benavidez*, S288085. (F087162; nonpublished opinion; Tulare County Superior Court; VCF333946.) 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. Patton*,

S279670 (#23-129), which presents the following issue: Did the trial court engage in impermissible judicial factfinding by relying on the preliminary hearing transcript to deny defendant's Penal Code section 1172.6 petition at the prima facie stage? (See *People v. Lewis* (2021) 11 Cal.5th 952.)

#25-12 *Lathrop v. Thor Motor Coach, Inc.*, S287893. (B331970; 105 Cal.App.5th 808; Los Angeles County Superior Court; 22NWCV01494.) Petition for review after the Court of Appeal reversed an order in a civil action and remanded for further proceedings. The court ordered briefing deferred pending decision in *EpicientRx, Inc. v. Superior Court*, S282521 (#23-247), which presents the following issue: Is a forum selection clause enforceable when a party's right under California state law to a jury trial for their civil claims would not apply in the exclusive forum identified by the clause?

#25-13 *People v. Serrano*, S288202. (C100856; 106 Cal.App.5th 276; Sacramento County Superior Court; 97F03702.) Petition for review after the Court of Appeal dismissed the appeal from an order denying a post-judgment motion in a criminal matter. The court ordered briefing deferred pending decision in *In re Montgomery*, S287339 (#24-235), which presents the following issue: Must a petitioner allege a prima facie case for relief under the Racial Justice Act (Pen. Code, § 745; RJA) before the trial court can consider a discovery request for disclosure of evidence under the RJA (*id.*, subd. (d))?

#25-14 *People v. Williamson*, S288293. (C098771; nonpublished opinion; Shasta County Superior Court; 10F0209.) 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. Morris*, S284751 (#24-132), which presents the following issue: Did the trial court correctly deny defendant's Penal Code section 1172.6 resentencing petition at the prima facie stage on the ground that the actus reus of first degree felony murder requires that a defendant who is not the actual killer need only aid in the underlying felony and not in the killing itself (Pen. Code, § 189, subd. (e)(2))?

SEPARATE STATEMENT ON DENIAL OF REVIEW

In re Banks, S287476. (F088126; nonpublished order; Kern County Superior Court; BF1094788.) Petition for review after the Court of Appeal denied a petition for writ of habeas corpus.

Cole v. Superior Court, S287432. (A169804; 104 Cal.App.5th 1280; Contra Costa County Superior Court; P2400263.) Petition for review after the Court of Appeal dismissed as moot a petition for writ of mandate and/or habeas corpus in a civil commitment proceeding.

DISPOSITIONS

The following cases were transferred for reconsideration in light of *People v. Salazar* (2023) 15 Cal.5th 416 and *People v. Lynch* (2024) 16 Cal.5th 730:

#22-303 <i>People v. Brasuell</i>, S277048	(B308124; nonpublished opinion; San Luis Obispo County Superior Court; 18F-04077)
#24-15 <i>People v. Chavez</i>, S283115	(H049752; nonpublished opinion; Santa Clara County Superior Court; C1894659)
#23-121 <i>People v. Johnson</i>, S279871	(B314999; nonpublished opinion; Los Angeles County Superior Court; BA450691)
#22-300 <i>People v. Rodriguez</i>, S276889	(B316391; nonpublished opinion; Los Angeles County Superior Court; BA477061)
#23-14 <i>People v. Watkins</i>, S277573	(F080436; nonpublished opinion; Fresno County Superior Court; F14909870)

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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.