



Supreme Court of California
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NEWS RELEASE

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FOR IMMEDIATE RELEASE

January 20, 2023

Summary of Cases Accepted and Related Actions During Week of January 17, 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.]

#23-10 *In re Tellez*, S277072. (D079716; 84 Cal.App.5th 292; San Diego County Superior Court; SCE369196.) Petition for review after the Court of Appeal denied a petition for writ of habeas corpus. This case presents the following issues: (1) Does trial counsel render ineffective assistance by failing to advise a defendant that pleading guilty to a qualifying offense could potentially render the defendant subject to involuntary commitment under the Sexually Violent Predator Act (SVPA)? (2) If so, did defendant demonstrate prejudice?

#23-11 *People v. Downs*, S277322. (B315593; nonpublished opinion; Los Angeles County Superior Court; TA150279.) Petition for review after the Court of Appeal affirmed an order revoking probation in a criminal matter. The court ordered briefing deferred pending decision in *People v. Gray*, S269237 (#21-346), which presents the following issue: Did the trial court violate the due process right to confrontation applicable at probation and parole revocation hearings by admitting hearsay statements in a bodycam video under the excited utterance exception (Evid. Code, § 1240) without first making a finding of good cause and determining whether a balancing of the relevant factors under *People v. Arreola* (1994) 7 Cal.4th 1144 favored admission?

#23-12 *People v. Kilgore*, S277686. (C091113; nonpublished opinion; Sacramento County Superior Court; 17FE001073.) 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. Burgos*, S274743 (#22-194), which presents the following issue: Does the provision of Penal Code section 1109 governing the bifurcation at trial of gang enhancements from the substantive offense or offenses apply retroactively to cases that are not yet final?

#23-13 *In re M.G.*, S277633. (B317366; nonpublished opinion; Los Angeles County Superior Court; 19CCJP03978.) Petition for review after the Court of Appeal affirmed orders in a juvenile proceeding. The court ordered briefing deferred pending decision in *In re Dezi C.*, S275578 (#22-254) which presents the following issue: What constitutes reversible error when a child welfare agency fails to make the statutorily required inquiry concerning a child's potential Indian ancestry?

#23-14 *People v. Watkins*, S277573. (F080436; nonpublished opinion; Fresno County Superior Court; F14909870.) 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. 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)? and 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.)

#23-15 *People v. Williams*, S277569. (F082109; nonpublished opinion; Fresno County Superior Court; F20903481.) Petition for review after the Court of Appeal modified and affirmed a judgment of conviction of criminal offenses. The court ordered briefing 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)?

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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.