



Supreme Court of California
350 McAllister Street, San Francisco, CA 94102-4797
www.courts.ca.gov/supremecourt

NEWS RELEASE

Contact: [Cathal Conneely](mailto:Cathal.Conneely@courts.ca.gov), 415-865-7740

FOR IMMEDIATE RELEASE

January 21, 2022

Summary of Cases Accepted and Related Actions During Week of January 18, 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.]

#22-11 *People v. Catarino*, S271828. (D078832; nonpublished opinion; Santa Clara County Superior Court; C1635441.) Petition for review after the Court of Appeal remanded for resentencing and otherwise affirmed a judgment of conviction of criminal offenses. The court limited review to the following issue: Does Penal Code section 667.6, subdivision (d), which requires that a “full, separate, and consecutive term” must be imposed for certain offenses if the sentencing court finds that the crimes “involve[d] the same victim on separate occasions,” comply with the Sixth Amendment to the U.S. Constitution?

#22-12 *Michael G. v. Superior Court*, S271809. (G060407; 69 Cal.App.5th 1133; Orange County Superior Court; 19DP1381.) Petition for review after the Court of Appeal affirmed an order in a juvenile dependency proceeding. This case presents the following issue: Are juvenile courts required to extend reunification efforts beyond the 18-month review when families have been denied adequate reunification services in the preceding review period?

#22-13 *People v. Schuller*, S272237. (C087191; 72 Cal.App.5th 221; Nevada County Superior Court; F16000111.) Petition for review after the Court of Appeal affirmed a judgment of conviction of criminal offenses. This case presents the following issues: (1) Was the trial court’s error in refusing to instruct the jury on voluntary manslaughter based on imperfect self-defense harmless? (2) What standard of prejudice applies to such an error?

#22-14 *People v. Aguilar*, S272111. (B309086; nonpublished opinion; Los Angeles County Superior Court; NA072796.) Petition for review after the Court of Appeal dismissed an appeal from an order denying a post-judgment motion in a criminal matter.

#22-15 *People v. Walker, S272194.* (B310712; nonpublished opinion; Los Angeles County Superior Court; BA222258.) 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 *Aguilar* and *Walker* 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?

#22-16 *People v. Avila, S271812.* (C092546; nonpublished opinion; Sacramento County Superior Court; 96F07199.) Petition for review after the Court of Appeal affirmed an order denying a post-judgment motion in a criminal matter.

#22-17 *People v. Mendez, S272231.* (F081193; nonpublished opinion; Fresno County Superior Court; CF93485197.) Petition for review after the Court of Appeal affirmed an order denying a post-judgment motion in a criminal matter.

#22-18 *People v. Mendoza, S272079.* (C089455; nonpublished opinion; San Joaquin County Superior Court; STKCRFE20110004791, SF115887B.) Petition for review after the Court of Appeal affirmed an order denying a post-judgment motion in a criminal matter.

#22-19 *People v. Reynoso, S272114.* (C093085; nonpublished opinion; Sacramento County Superior Court; 96F07199.) Petition for review after the Court of Appeal affirmed an order denying a post-judgment motion in a criminal matter.

#22-20 *People v. Thomas, S272196.* (D078289; nonpublished opinion; San Diego County Superior Court; SCD102585.) 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 *Avila, Mendez, Mendoza, Reynoso, and Thomas* 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?

#22-21 *People v. Torres, S272226.* (E075901; nonpublished opinion; San Bernardino County Superior Court; FVII101609.) 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. Tirado, S257658* (#19-174), which presents the

following issue: Can the trial court impose an enhancement under Penal Code section 12022.53, subdivision (b), for personal use of a firearm, or under section 12022.53, subdivision (c), for personal and intentional discharge of a firearm, as part of its authority under section 1385 and subdivision (h) of section 12022.53 to strike an enhancement under subdivision (d) for personal and intentional discharge of a firearm resulting in death or great bodily injury, even if the lesser enhancements were not charged in the information or indictment and were not submitted to the jury?

DISPOSITIONS

The following cases were transferred for reconsideration in light of *People v. Lewis* (2021) 11 Cal.5th 952 and Senate Bill No. 775 (Stats, 2021, ch. 551):

#20-284 <i>People v. Jackson</i>, S263818	(B296340; nonpublished opinion; Los Angeles County Superior Court; NA020015)
#20-133 <i>People v. Lopez</i>, S261515	(B297119; nonpublished opinion; Los Angeles County Superior Court; SA070283)

Review in the following cases, which were granted and held for *People v. Lewis* (2021) 11 Cal.5th 952, was dismissed:

#20-292 <i>People v. Boyd</i>, S264336	(B297468; nonpublished opinion; Los Angeles County Superior Court; MA007943)
#21-112 <i>People v. Hall</i>, S266389	(B297868; nonpublished opinion; Los Angeles County Superior Court; A452611)
#21-327 <i>People v. Love</i>, S268937	(B306398; nonpublished opinion; Los Angeles County Superior Court; A394113)
#21-288 <i>People v. Rivera</i>, S268405	(A158284; 62 Cal.App.5th 217; San Mateo County Superior Court; SC080432)
#20-370 <i>People v. Russell</i>, S265128	(C090723; nonpublished opinion; Sacramento County Superior Court; 05F00798)
#20-357 <i>People v. Sandoval</i>, S265046	(E073516; nonpublished opinion; San Bernardino County Superior Court; FVI901482)
#21-328 <i>People v. Schockner</i>, S269023	(B307351; nonpublished opinion; Los Angeles County Superior Court; NA063580)

#

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.