



Supreme Court of California  
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**NEWS RELEASE**

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**FOR IMMEDIATE RELEASE**

January 31, 2025

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## Summary of Cases Accepted and Related Actions During Week of January 27, 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.]*

**#25-23 *People v. Cortes*, S288159.** (B330942; nonpublished opinion; Los Angeles County Superior Court; BA275162.) Petition for review after the Court of Appeal affirmed an order denying a post-judgment motion in a criminal matter.

**#25-24 *People v. Gaytan*, S288414.** (B334098; nonpublished opinion; Los Angeles County Superior Court; BA350813.) Petition for review after the Court of Appeal affirmed an order denying a post-judgment motion in a criminal matter.

The court ordered briefing in *Cortes* and *Gaytan* deferred pending decision in *People v. Lopez*, S287814 (#25-2), which presents 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?

**#25-25 *People v. Dyer*, S288477.** (F087074; nonpublished opinion; Fresno County Superior Court; CF02902077.) 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))?

**#25-26 *People v. Edwards*, S288473.** (B331768; nonpublished opinion; Los Angeles County Superior Court; KA038478.) Petition for review after the Court of Appeal reversed a post-judgment order in a criminal matter and remanded for resentencing.

**#25-27 *People v. Koger*, S288539.** (H051467; nonpublished opinion; Santa Clara County Superior Court; C1359290.) Petition for review after the Court of Appeal reversed an order denying a post-judgment motion in a criminal matter and remanded for resentencing.

**#25-28 *People v. Sandoval*, S288572.** (H051298; nonpublished opinion; Santa Clara County Superior Court; C1235666.) 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 *Edwards*, *Koger*, and *Sandoval* 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?

**#25-29 *People v. Ibarra*, S288490.** (F084503; nonpublished opinion; Kern County Superior Court; BF162787C.) Petition for review after the Court of Appeal remanded with directions and otherwise affirmed a judgment of conviction of criminal offenses. The court ordered briefing deferred pending decisions in *People v. Bankston*, S044739, and *People v. Hin*, S141519, both automatic appeals, which include an issue involving the retroactivity of the provision in Assembly Bill No. 2799 (Stats. 2022, ch. 973) limiting the admissibility of creative expressions (Evid. Code, § 352.2).

**#25-30 *People v. London*, S288412.** (C099987; nonpublished opinion; Yuba County Superior Court; CRF990000381.) Petition for review after the Court of Appeal remanded with directions and otherwise affirmed an order granting in part and denying in part a post-judgment motion in a criminal matter. The court ordered briefing deferred pending decision in *People v. Superior Court (Guevara)*, S283305 (#24-50), which presents the following issues: (1) Do the revised penalty provisions of the Three Strikes Reform Act of 2012 (Pen. Code, § 1170.12) apply when a defendant is resentenced pursuant to Senate Bill No. 483 (Pen. Code, § 1172.75)? (2) Do defendants qualify as "presently serving an indeterminate term" under Penal Code section 1170.126 if they were serving such a term on the effective date of the statute, or only if they are currently serving such an indeterminate term?

**DISPOSITIONS**

The following cases, which were granted and held for *People v. Williams* (2024) 17 Cal.5th 99, were transferred with directions to conduct further proceedings:

<b>#21-307 <i>People v. Cervantes</i>, S268698</b>	(G057340; nonpublished opinion; Orange County Superior Court; 15CF0911)
<b>#21-448 <i>People v. Jones</i>, S270136</b>	(E074846; nonpublished opinion; San Bernardino County Superior Court; FSB18003148)

The following case was transferred for reconsideration in light of *Rodriguez v. FCA US, LLC* (2024) 17 Cal.5th 189:

<b>#23-92 <i>Williams v. FCA US LLC</i>, S279051</b>	(C091902; 88 Cal.App.5th 765 [non-citable]; Butte County Superior Court; 17CV02617)
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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.*