



Supreme Court of California
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NEWS RELEASE

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FOR IMMEDIATE RELEASE

February 10, 2022

Summary of Cases Accepted and Related Actions During Week of February 7, 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.]

#22-28 *Jane S.D. Doe v. Superior Court, S272166.* (B313874; 71 Cal.App.5th 227; Los Angeles County Superior Court; BC712514.) Petition for review after the Court of Appeal denied a petition for peremptory writ of mandate. This case presents the following issues: (1) Is evidence that a plaintiff in a civil action suffered a prior sexual assault admissible for impeachment purposes (Evid. Code, § 783) or inadmissible as a claim that the plaintiff did not suffer injury (Evid. Code, § 1106, subd. (a))? (2) If admissible, what procedures and quantum of proof are required to admit such evidence?

#22-29 *Rattagan v. Uber Technologies, S272113.* (9th Circ. No. 20-16796; Northern District of California; No. 3:19-cv-01988-EMC.) 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: Under California law, are claims for fraudulent concealment exempted from the economic loss rule?

#22-30 *People v. Banks, S272357.* (C093571; nonpublished opinion; Sacramento County Superior Court; 98F10219.) Petition for review after the Court of Appeal dismissed an appeal from an order denying a post-judgment motion in a criminal matter.

#22-31 *People v. Blackman, S272423.* (C093647; nonpublished opinion; Shasta County Superior Court; 96F0872.) Petition for review after the Court of Appeal dismissed an appeal from an order denying a post-judgment motion in a criminal matter.

#22-32 *People v. Currie, S272048.* (C093500; nonpublished opinion; Sacramento County Superior Court; 117993.) 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 *Banks*, *Blackman*, and *Currie* 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?

#22-33 *People v. Berry*, S272412. (B307146; nonpublished opinion; Los Angeles County Superior Court; KA064692.) Petition for review after the Court of Appeal affirmed an order denying a post-judgment motion in a criminal matter.

#22-34 *People v. Crecy*, S272491. (A161419; nonpublished opinion; San Mateo County Superior Court; SC043393.) Petition for review after the Court of Appeal reversed an order denying a post-judgment motion in a criminal matter.

#22-35 *People v. Elias*, S272576. (D078137; nonpublished opinion; San Diego County Superior Court; SCD228929.) Petition for review after the Court of Appeal reversed an order denying a post-judgment motion in a criminal matter.

#22-36 *People v. Milbry*, S272581. (E075830; nonpublished opinion; Riverside County Superior Court; CR57734.) Petition for review after the Court of Appeal affirmed an order denying a post-judgment motion in a criminal matter.

#22-37 *People v. Price*, S272572. (A159439; 71 Cal.App.5th 1128; Contra Costa County Superior Court; 51103373.) Petition for review after the Court of Appeal affirmed an order denying a post-judgment motion in a criminal matter.

#22-38 *People v. Whitehead*, S272578. (C093261; nonpublished opinion; Sacramento County Superior Court; 08F03645.) Petition for review after the Court of Appeal affirmed an order denying a post-judgment motion in a criminal matter.

#22-39 *People v. Zuniga*, S272501. (E074958; nonpublished opinion; Riverside County Superior Court; INF065236.) Petition for review after the Court of Appeal affirmed an order dismissing a post-judgment motion in a criminal matter.

The court ordered briefing in *Berry*, *Crecy*, *Elias*, *Milbry*, *Price*, *Whitehead*, and *Zuniga* 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?

#22-40 *People v. Haney, S272473.* (F081735; nonpublished opinion; Kern County Superior Court; DF014703A.) Petition for review after the Court of Appeal modified a judgment of conviction of a criminal offense and remanded for further proceedings. The court ordered briefing deferred pending decision in *People v. Prudholme, S271057* (#21-531), which presents the following issues: (1) Does Assembly Bill No. 1950 (Stats. 2020, ch. 328) apply retroactively under *In re Estrada* (1965) 63 Cal.2d 740? (2) If so, does the remand procedure of *People v. Stamps* (2020) 9 Cal.5th 685 apply?

#22-41 *Joseph v. California Department of Corrections and Rehabilitation, S272046.* (E074481; nonpublished opinion; Riverside County Superior Court; RIC1607364.) Petition for review after the Court of Appeal affirmed the judgment in a civil action. The court ordered briefing deferred pending finality of decision in *Lawson (Wallen) v. PPG Architectural Finishes, Inc.* (Jan. 27, 2022; S266001) __ Cal. 5th __ .

#22-42 *People v. Smith, S272431.* (B305172; nonpublished opinion; Los Angeles County Superior Court; TA084803.) Petition for review after the Court of Appeal conditionally reversed a judgment of conviction of criminal offenses and remanded for further proceedings. The court ordered briefing deferred pending decision in *People v. Federico, S263082* (#20-231), which presents the following issue: Did defendant's resentencing pursuant to Penal Code section 1170, subdivision (d)(1) "reopen" the finality of his sentence, such that he was entitled to the retroactive application of Proposition 57 and Senate Bill No. 1391 on an otherwise long-final conviction? and pending decision in *People v. Padilla, S263375* (#20-232), which presents the following issue: When a judgment becomes final, but is later vacated, altered, or amended and a new sentence imposed, is the case no longer final for the purpose of applying an intervening ameliorative change in the law?

#22-43 *People v. Stinson, S272254.* (C093993; nonpublished opinion; Sacramento County Superior Court; 13F04902.) Petition for review after the Court of Appeal affirmed a judgment of conviction of criminal offenses. The court ordered briefing deferred pending finality of the decision in *People v. Tirado* (Jan. 20, 2022, S257658) __ Cal.5th __ .

DISPOSITIONS

The following case was transferred for reconsideration in light of Assembly Bill No. 1540 (Stats. 2021, ch. 719):

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| #20-231 <i>People v. Federico</i> , S263082 | (E072620; 50 Cal.App.5th 318 [non-citable]; Riverside County Superior Court; SWF017423) |
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STATUS

In the following cases, in which briefing was previously deferred pending decision in *People v. Lewis* (2021) 11 Cal.5th 952, the court ordered briefing deferred pending decision in *People v. Strong*, S266606 (#21-101):

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| #21-07 <i>People v. Galloway</i> , S265969 | (B303405, B303636; nonpublished opinion; Los Angeles County Superior Court; YA071844) |
| #21-09 <i>People v. Lawson</i> , S265885 | (B296634; nonpublished opinion; Los Angeles County Superior Court; BA281894) |
| #21-132 <i>People v. Lewis</i> , S266882 | (C091066; nonpublished opinion; Sacramento County Superior Court; 98F07013) |
| #20-134 <i>People v. Morales</i> , S261489 | (B297638; nonpublished opinion; Los Angeles County Superior Court; BA204828) |
| #20-135 <i>People v. Simpson</i> , S261421 | (B296083; nonpublished opinion; Los Angeles County Superior Court; TA127755) |
| #20-151 <i>People v. Washington</i> , S261782 | (A158017; nonpublished opinion; Alameda County Superior Court; H53084A) |
| #20-105 <i>People v. West</i> , S261178 | (A157163; nonpublished opinion; Alameda County Superior Court; 152985C) |
| #21-169 <i>People v. Wilson</i> , S267317 | (B304453; nonpublished opinion; Los Angeles County Superior Court; NA057146) |

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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.