



Supreme Court of California
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NEWS RELEASE

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FOR IMMEDIATE RELEASE

February 14, 2025

Summary of Cases Accepted and Related Actions During Week of February 10, 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.]

#25-31 *People v. Alatorre*, S288755. (E082854; nonpublished opinion; Riverside County Superior Court; RIF1305853.) Petition for review after the Court of Appeal reversed a post-judgment order in a criminal matter and remanded for resentencing.

#25-32 *People v. Croghan*, S288701. (G063540; nonpublished opinion; Orange County Superior Court; 94WF1469.) Petition for review after the Court of Appeal reversed an order denying a post-judgment motion in a criminal matter and remanded for resentencing.

#25-33 *People v. Deberry*, S288725. (E082857; nonpublished opinion; Riverside County Superior Court; RIF1208861.) Petition for review after the Court of Appeal affirmed a post-judgment order in a criminal matter and remanded with directions.

#25-34 *People v. Jimenez*, S288381. (D083389; nonpublished opinion; San Diego County Superior Court; SCD267560.) Petition for review after the Court of Appeal reversed a post-judgment order in a criminal matter and remanded for resentencing.

#25-35 *People v. Major*, S288591. (E082616; nonpublished opinion; Riverside County Superior Court; RIF1303646.) Petition for review after the Court of Appeal affirmed a post-judgment order in a criminal matter.

#25-36 *People v. McCalipp*, S288728. (E082629; nonpublished opinion; Riverside County Superior Court; RIF1301693.) Petition for review after the Court of Appeal affirmed an order denying a post-judgment motion in a criminal matter.

#25-37 *People v. Palacios*, S288390. (G063544; nonpublished opinion; Orange County Superior Court; 17NF1842.) 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 *Alatorre, Croghan, Deberry, Jimenez, Major, McCalipp*, and *Palacios* 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?

#25-38 *People v. Bennett*, S288579. (F086760; nonpublished opinion; Tulare County Superior Court; VCF230530.) Petition for review after the Court of Appeal affirmed an order denying a post-judgment motion in a criminal matter.

#25-39 *People v. Cowie*, S288685. (B333908; nonpublished opinion; Los Angeles County Superior Court; TA091960.) 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 *Bennett* and *Cowie* 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?

#25-40 *The Comedy Store v. Moss Adams LLP*, S288469. (B327404; 106 Cal.App.5th 784; Los Angeles County Superior Court; 22SMCV01463.) Petition for review after the Court of Appeal reversed the judgment in a civil action and remanded for further proceedings. The court ordered briefing deferred pending decision in *EpicentRx, 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?

#25-41 *Doe v. Santa Cruz-Monterey-Merced Managed Medical Care Commission*, S288552. (H051515; nonpublished opinion; Santa Cruz County Superior Court; 20CV02149.) Petition for review after the Court of Appeal affirmed the judgment in a civil action. The court ordered briefing deferred pending decision in *J.M. v. Illuminate Education, Inc.*, S286699 (#24-211), which presents the following issue: Is a company that stores students' confidential personal and medical information through its work providing software to school districts subject to liability to these students under the

Confidentiality of Medical Information Act (Civ. Code, § 56 et seq.) and the Customer Records Act (Civ. Code, § 1798.80 et seq.) following disclosure of such information through a data breach?

#25-42 *People v. Gantt*, S288165. (A164277; nonpublished opinion; San Mateo County Superior Court; 19NF009091A.) 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. Bankston*, S044739, and pending finality of the decision in *People v. Hin*, (Feb. 3, 2025, S141519) ___ Cal.5th ___, 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).

#25-43 *People v. Jackson*, S288618. (B331434; nonpublished opinion; Los Angeles County Superior Court; SA073611.) 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. 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.)

DISPOSITIONS

The following case was transferred for reconsideration in light of *California Capital Ins. Co. v. Hoehn* (2024) 17 Cal.5th 207:

<p>#23-125 <i>Premier Capital, LLC v. Yakovi</i>, S279898</p>	<p>(B311833; nonpublished opinion; Los Angeles County Superior Court; BC271003)</p>
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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.