



Supreme Court of California  
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**NEWS RELEASE**

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**FOR IMMEDIATE RELEASE**

February 17, 2023

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## Summary of Cases Accepted and Related Actions During Week of February 14, 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.]*

**#22-26 *People v. Cannon*, S277995.** (A163083; 85 Cal.App.5th 786; Mendocino County Superior Court; SCUKCR2010148692.) Petition for review after the Court of Appeal conditionally affirmed a civil commitment order and remanded with directions. This case presents the following issue: What level of scrutiny applies in determining whether the Sexually Violent Predator Act (Welf. & Inst. Code, § 6600 et seq.) violates equal protection because it does not require an advisement or personal waiver of a jury trial as afforded in other civil commitment statutes?

**#23-27 *Zhang v. Superior Court*, S277736.** (B314386; 85 Cal.App.5th 167; Los Angeles County Superior Court; 21STCV19442.) Petition for review after the Court of Appeal denied a petition for writ of mandate in a civil action. This case presents the following issues: (1) If an employer files a motion to compel arbitration in a non-California forum pursuant to a contractual forum-selection clause, and an employee raises as a defense Labor Code section 925, which prohibits an employer from requiring a California employee to agree to a provision requiring the employee to adjudicate outside of California a claim arising in California, is the court in the non-California forum one of “competent jurisdiction” (Code Civ. Proc., § 1281.4) such that the motion to compel requires a mandatory stay of the California proceedings? (2) Does the presence of a delegation clause in an employment contract delegating issues of arbitrability to an arbitrator prohibit a California court from enforcing Labor Code section 925 in opposition to the employer’s stay motion?

**#23-28 *People v. Esparza*, S277994.** (C091260; nonpublished opinion; San Joaquin County Superior Court; STKCRFE20170013674.) 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)?

**#23-29 *People v. Gonzalez*, S277936.** (B302834, B303671; nonpublished opinion; Los Angeles County Superior Court; NA100818.) Petitions for review after the Court of Appeal affirmed in part and reversed in part judgments of conviction of criminal offenses and remanded for further proceedings. The court ordered briefing deferred pending decision in *People v. Rojas*, S275835 (#22-276), which presents the following issue: Does Assembly Bill No. 333 (Stats. 2021, ch. 699) unconstitutionally amend Proposition 21, if applied to the gang-murder special circumstance (Pen. Code, § 190.2, subd. (a)(22))? and 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? and pending decision in *People v. Hardin*, S277487 (#23-1), which presents the following issue: Does Penal Code section 3051, subdivision (h), violate the Equal Protection Clause of the Fourteenth Amendment by excluding young adults sentenced to life without the possibility of parole from youth offender parole consideration, while young adults sentenced to parole-eligible terms are entitled to such consideration?

**#23-30 *People v. Mitchell*, S278038.** (E076032; nonpublished opinion; Riverside County Superior Court; RIF1605412.) 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. Williams*, S262229 (#20-189), which presents the following issue: Does Penal Code section 3051, subdivision (h), violate the equal protection clause of the Fourteenth Amendment by excluding young adults convicted and sentenced for serious sex crimes under the One Strike law (Pen. Code, § 667.61) from youth offender parole consideration, while young adults convicted of first degree murder are entitled to such consideration?

**#23-31 *People v. Vang*, S277949.** (C094219; nonpublished opinion; Sacramento County Superior Court; 16FE022310.) 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?

**DISPOSITIONS**

Review in the following cases, which were granted and held for *People v. Ramirez* (2022) 14 Cal.5th 176, was dismissed:

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| <b>#22-252 <i>People v. Olivera</i>, S275031</b> | (F081186; nonpublished opinion; Fresno County Superior Court; F18905181)     |
| <b>#22-90 <i>People v. Yates</i>, S273316</b>    | (E075152; nonpublished opinion; Riverside County Superior Court; INF1800540) |

The following case was transferred for reconsideration in light of Senate Bill No. 775 (Stats. 2021, ch. 551):

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| <b>#20-171 <i>People v. Hutchinson</i>, S262003</b> | (B299078; nonpublished opinion; Los Angeles County Superior Court; NA102378) |
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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.*