



Supreme Court of California
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NEWS RELEASE

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FOR IMMEDIATE RELEASE

February 21, 2025

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

#25-44 *Family Violence Appellate Project v. Superior Court*, S288176. Original proceeding. The court issued an order to show cause why the relief sought in the petition should not be granted. This case presents the following issue: Does the prohibition on electronic recording of certain proceedings in Government Code section 69957, subdivision (a) violate the California Constitution when an official court reporter is unavailable and a litigant cannot afford to pay a private court reporter?

#25-45 *People v. Bennett*, S288766. (F087700; nonpublished opinion; Kern County Superior Court; SF015228A.) Petition for review after the Court of Appeal reversed an order granting in part and denying in part a post-judgment motion in a criminal matter and remanded for resentencing. 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?

#25-46 *People v. Campbell*, S288832. (B334456; nonpublished opinion; Los Angeles County Superior Court; TA058243.) 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. 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?

#25-47 *People v. DeLeon*, S288771. (E081682; nonpublished opinion; San Bernardino County Superior Court; FWV019184.) 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 *In re Hernandez*, S282186 (#23-261), which presents the following issue: Does the totality of the circumstances establish that defendant meaningfully understood the immigration consequences of her plea?

#25-48 *People v. Dennis*, S288759. (G063554; nonpublished opinion; Orange County Superior Court; 93WF1745.) Petition for review after the Court of Appeal reversed an order denying a post-judgment motion in a criminal matter and remanded for resentencing.

#25-49 *People v. Garcia*, S288489. (G063631; nonpublished opinion; Orange County Superior Court - Central; 10NF3235.) Petition for review after the Court of Appeal reversed an order denying a post-judgment motion in a criminal matter and remanded for resentencing.

#25-50 *People v. Milton*, S288765. (E082905; nonpublished opinion; Riverside County Superior Court; RIF1300100.) Petition for review after the Court of Appeal affirmed an order denying a post-judgment motion in a criminal matter.

#25-51 *People v. Simons*, S288757. (G063557; nonpublished opinion; Orange County Superior Court; 94WF1171.) Petition for review after the Court of Appeal reversed an order denying a post-judgment motion in a criminal matter and remanded for resentencing.

#25-52 *People v. Wilson*, S288831. (E082943; nonpublished opinion; Riverside County Superior Court; RIF1700124.) Petition for review after the Court of Appeal reversed a post-judgment order in a criminal matter and remanded for resentencing.

The court ordered briefing in *Dennis*, *Garcia*, *Milton*, *Simons*, and *Wilson* 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?

#25-53 *People v. Muhammad*, S288860. (B334294; 107 Cal.App.5th 268; Los Angeles County Superior Court; BA453413.) Petition for review after the Court of Appeal affirmed an order denying a post-judgment motion in a criminal matter.

#25-54 *People v. Tharpe*, S288861. (B329886; nonpublished opinion; Los Angeles County Superior Court; LA067928.) 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 *Muhammad* and *Tharpe* 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.)

#25-55 *In re S.G.*, S288865. (B320775; nonpublished opinion; Los Angeles County Superior Court; KJ41334.) Petition for review after the Court of Appeal affirmed in part and reversed in part orders in a juvenile wardship proceeding and remanded for further proceedings. The court ordered briefing deferred pending decision in *People v. Allen*, S286520 (#24-224), which presents the following issues: (1) If a defendant has invoked his right to remain silent while being interrogated by a law enforcement officer, are incriminating statements obtained through a subsequent *Perkins* operation (i.e., the use of an undercover agent to question a jailed defendant) admissible as substantive proof of the defendant's guilt at trial? (See *Illinois v. Perkins* (1990) 496 U.S. 292; *Miranda v. Arizona* (1966) 384 U.S. 436.) (2) What effect, if any, does the fact that the interrogating officer continued questioning after petitioner invoked his Fifth Amendment right to silence have upon the admissibility of the statements subsequently obtained during the *Perkins* operation?

DISPOSITIONS

People v. Snyder and Thornton, S146528, an automatic appeal, was abated as to defendant Michael Forrest Thornton upon his death.

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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.