



Supreme Court of California  
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**NEWS RELEASE**

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**FOR IMMEDIATE RELEASE**

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## Summary of Cases Accepted and Related Actions During Week of February 20, 2024

*[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.]*

**#24-32 *City of Gilroy v. Superior Court, S282937.*** (H049552; 96 Cal.App.5th 818, mod. 97 Cal.App.5th 462a; Santa Clara County Superior Court; 20CV362347.) Petition for review after the Court of Appeal granted a petition for peremptory writ of mandate.

**#24-33 *Law Foundation of Silicon Valley v. Superior Court, S282950.*** (H049554; 96 Cal.App.5th 818, mod. 97 Cal.App.5th 462a; Santa Clara County Superior Court; 20CV362347.) Petition for review after the Court of Appeal denied a petition for peremptory writ of mandate.

*City of Gilroy* and *Law Foundation of Silicon Valley* were consolidated for all purposes. They both present the following issues: (1) May an organization obtain declaratory relief under the Public Records Act (Gov. Code, § 7920.000 et seq.) based on a public entity's failure to preserve records while the organization's requests for those records were pending? (2) Is it a violation of the Public Records Act for a public entity to fail to preserve records it determined were exempt from disclosure before a court has had an opportunity to conduct a review?

**#24-34 *People v. Rhodius, S283169.*** (E080064; 97 Cal.App.5th 38; Riverside County Superior Court; RIF1502535.) Petition for review after the Court of Appeal affirmed an order denying a post-judgment motion in a criminal matter. This case 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?

**#24-35 *People v. Barrascout*, S283134.** (B325028; nonpublished opinion; Ventura County Superior Court; CR26509.) Petition for review after the Court of Appeal affirmed an order denying a post-judgment motion in a criminal matter.

**#24-36 *People v. Huevo*, S283401.** (B324331; nonpublished opinion; Los Angeles County Superior Court; LA062282.) 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 *Barrascout* and *Huevo* deferred pending decision in *People v. Hardin*, S277487 (#23-1), which presents the following issues: (1) 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? (2) Whether the first step of the two-part inquiry used to evaluate equal protection claims, which asks whether two or more groups are similarly situated for the purposes of the law challenged, should be eliminated in cases concerning disparate treatment of classes or groups of persons, such that the only inquiry is whether the challenged classification is adequately justified under the applicable standard of scrutiny?

**#24-37 *People v. Christianson*, S283189.** (D081330; 97 Cal.App.5th 300; San Diego County Superior Court; SCD267047.) 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 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?

**#24-38 *People v. De La Rosa Burgara*, S283452.** (H049363; 97 Cal.App.5th 1054; Santa Clara County Superior Court; B1902295.) Petition for review after the Court of Appeal reversed and remanded a judgment of conviction of criminal offenses. The court ordered briefing deferred pending decision in *People v. Mitchell*, S277314 (#22-305), which presents the following issue: Does Senate Bill No. 567 (Stats. 2021, ch. 731), which limits a trial court's discretion to impose upper term sentences, apply retroactively to defendants sentenced pursuant to stipulated plea agreements?

**#24-39 *People v. Johnson*, S283427.** (D082203; nonpublished opinion; Riverside County Superior Court; CR38392.) 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. Emanuel*, S280551 (#23-174), which presents the following issue: Does sufficient evidence support the trial court's

finding that defendant acted with reckless indifference to human life and therefore was ineligible for resentencing pursuant to Penal Code section 1172.6?

**#24-40 *People v. Mitchell*, S283474.** (F084489; 97 Cal.App.5th 1127; Kern County Superior Court; BF159352B.) 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. Lopez*, S281488 (#23-218), which presents the following issue: Is defendant entitled to retroactive application of Assembly Bill No. 333 (2021–2022 Reg. Sess.) where he appeals for a second time after his judgment was conditionally reversed and the Court of Appeal issued a limited remand to the trial court to address sentencing issues?

**#24-41 *People v. Taghilou*, S283275.** (B324856; nonpublished opinion; Los Angeles County Superior Court; A708409.) 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?

#### STATUS

**#23-257 *People v. Moody*, S282462.** The court ordered the case severed as to defendant Tyrone Eugene Moody and transferred with directions to abate in light of his death. As to defendant Frank Rafael Perez, the court ordered the case retained for decision as previously ordered, and retitled *People v. Perez*.

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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.*