



Supreme Court of California
350 McAllister Street, San Francisco, CA 94102-4797
www.courts.ca.gov/supremecourt

NEWS RELEASE

Contact: [Merrill Balassone](mailto:Merrill.Balassone@courts.ca.gov), 415-865-7740

FOR IMMEDIATE RELEASE

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Summary of Cases Accepted and Related Actions During Week of February 21, 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.]

#23-32 *Morgan v. Ygrene Energy Fund, Inc.*, S277628. (D079364, D079369; 84 Cal.App.5th 1002; San Diego County Superior Court; 37-2019-00059601-CU-OR-CTL.) Petition for review after the Court of Appeal affirmed the judgment in a civil action. This case presents the following issue: Must a homeowner exhaust administrative tax remedies by filing a claim for a refund with an assessment board before filing an action asserting consumer protection claims against private entities involved in the implementation of a loan program in which the loans are repaid through assessments on the property and the local government acquires a tax lien on the property?

#23-33 *People v. Celestine*, S278056. (H049673; nonpublished opinion; Monterey County Superior Court; 21CR005294.) 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. Catarino*, S271828 (#22-11), which presents the following issue: Does Penal Code section 667.6, subdivision (d), which requires that a “full, separate, and consecutive term” must be imposed for certain offenses if the sentencing court finds that the crimes “involve[d] the same victim on separate occasions,” comply with the Sixth Amendment to the U.S. Constitution? and *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)?

#23-34 *People v. Garcia*, S278132. (E077916; nonpublished opinion; Riverside County Superior Court; CR47377.) 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. Reyes*, S270723 (#21-509), which presents the

following issue: Does substantial evidence support the superior court's finding that petitioner is ineligible for relief under Penal Code section 1170.95?

#23-35 *Richmond Shoreline Alliance v. City of Richmond*, S278089. (A166004; nonpublished opinion; Contra Costa County Superior Court; MSN201967.) Petition for review after the Court of Appeal dismissed the appeal in an action for writ of administrative mandate. The court ordered briefing deferred pending decision in *Meinhardt v. City of Sunnyvale*, S274147 (#22-158), which presents the following issue: Did the Court of Appeal correctly dismiss the appeal as untimely?

DISPOSITIONS

#23-6 *People v. Gonzalez*, S277482. The court ordered the cause severed as to defendant Justin Matthew Gonzalez, dismissed review, and remanded to the Court of Appeal, Third Appellate District.

STATUS

#23-6 *People v. Gonzalez*, S277482. The court ordered the case severed as to defendant Justin Matthew Gonzalez and dismissed review. As to defendant Alexis Ivan Velazquez, the court ordered the case retained for decision as previously ordered, and retitled *People v. Velazquez*.

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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.