



Supreme Court of California  
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**NEWS RELEASE**

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**FOR IMMEDIATE RELEASE**

March 11, 2022

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## Summary of Cases Accepted and Related Actions During Week of March 7, 2022

*[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.]*

**#22-57 *In re Harris*, S272632.** (A162891; 71 Cal.App.5th 1085; San Mateo County Superior Court; 21NF002568A.) Petition for review after the Court of Appeal conditionally vacated an order denying bail and remanded the matter for further proceedings. The court limited review to the following issue: What evidence may a trial court consider at a bail hearing when evaluating whether the facts are evident or the presumption great with respect to a qualifying charged offense, and whether there is a substantial likelihood the person's release would result in great bodily harm to others? (Cal. Const., art. I, § 12, subd. (b).)

**#22-58 *People v. Atwood*, S272890.** (B304822; nonpublished opinion; Ventura County Superior Court; 2015014383.) Petition for review after the Court of Appeal affirmed a judgment of conviction of criminal offenses. The court ordered briefing deferred pending decision in *In re Vaquera*, S258376 (#19-195), which presents the following issues: (1) Did the Court of Appeal err by disagreeing with *People v. Jimenez* (2019) 35 Cal.App.5th 373 and endorsing as mandatory the sentencing practice prohibited in that case? (2) Is the Court of Appeal's decision incorrect under *People v. Mancebo* (2002) 27 Cal.4th 735? (3) Did the Court of Appeal err by failing to address petitioner's claims as to the issues of waiver and estoppel?

**#22-59 *People v. Bernal*, S272998.** (D078324; nonpublished opinion; San Diego County Superior Court; SCE266559.) Petition for review after the Court of Appeal reversed an order denying a post-judgment motion in a criminal matter.

**#22-60 *People v. McDaniel*, S272828.** (C092707; nonpublished opinion; Sacramento County Superior Court; 95F07955.) Petition for review after the Court of Appeal affirmed an order denying a post-judgment motion in a criminal matter.

**#22-61 *People v. McPherson, S272966.*** (C093340; nonpublished opinion; Sacramento County Superior Court; 11F05321.) Petition for review after the Court of Appeal affirmed an order denying a post-judgment motion in a criminal matter.

**#22-62 *People v. Nunez-Sharp, S272637.*** (B308390; nonpublished opinion; Los Angeles County Superior Court; BA397214.) Petition for review after the Court of Appeal reversed an order denying a post-judgment motion in a criminal matter.

**#22-63 *People v. Ting, S272790.*** (B311125; nonpublished opinion; Los Angeles County Superior Court; BA253204.) Petition for review after the Court of Appeal affirmed an order denying a post-judgment motion in a criminal matter.

**#22-64 *People v. Valle, S272930.*** (A162298; nonpublished opinion; Marin County Superior Court; SC039946A.) Petition for review after the Court of Appeal reversed an order denying a post-judgment motion in a criminal matter.

The court ordered briefing in *Bernal, McDaniel, McPherson, Nunez-Sharp, Ting, and Valle* deferred pending decision in *People v. Strong*, S266606 (#21-101), which presents the following issue: Does a felony-murder special circumstance finding (Pen. Code, § 190.2, subd. (a)(17)) made before *People v. Banks* (2015) 61 Cal.4th 788 and *People v. Clark* (2016) 63 Cal.4th 522 preclude a defendant from making a prima facie showing of eligibility for relief under Penal Code section 1170.95?

**#22-65 *Hernandez Flores v. Westlake Services, S272518.*** (B308288; nonpublished opinion; Los Angeles County Superior Court; BC723711.) Petition for review after the Court of Appeal reversed an order denying attorney fees, costs, expenses, and prejudgment interest in a civil action. The court ordered briefing deferred pending decision in *Pulliam v. HNL Automotive*, S267576 (#21-205), which presents the following issue: Does the word “recovery” as used in the Holder Rule (16 C.F.R. § 433.2) include attorney fees?

**#22-66 *People v. Pulido, S272896.*** (H049392; nonpublished opinion; Monterey County Superior Court; SS130724A.) Petition for review after the Court of Appeal dismissed an appeal from an order denying a post-judgment motion in a criminal matter.

**#22-67 *People v. Robinson, S272815.*** (C092166; nonpublished opinion; Yolo County Superior Court; CRF956265.) Petition for review after the Court of Appeal dismissed an appeal from a resentencing order in a criminal matter.

The court ordered briefing in *Pulido* and *Robinson* deferred pending decision in *People v. Delgadillo*, S266305 (#21-72), which presents the following issues: (1) What procedures

must appointed counsel and the Courts of Appeal follow when counsel determines that an appeal from an order denying postconviction relief lacks arguable merit? (2) Are defendants entitled to notice of these procedures?

**#22-68 *People v. Weith, S272860.*** (A155950; nonpublished opinion; San Francisco County Superior Court; SCN229297.) 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. Braden, S268925* (#21-345), which presents the following issue: What is the latest point at which a defendant may request mental health diversion under Penal Code section 1001.36?

## DISPOSITIONS

The following cases were transferred for reconsideration in light of *In re Mohammad* (2022) 12 Cal.5th 518:

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| <b>#20-352 <i>In re Watson, S264984</i></b>    | (B303328; nonpublished opinion; Los Angeles County Superior Court; MA068412)                              |
| <b>#21-265 <i>In re Kakowski, S268255</i></b>  | (B307097; nonpublished opinion; Sacramento County Superior Court; BH01322, LA077598, LA077880)            |
| <b>#21-310 <i>In re Douglas, S268750</i></b>   | (C091545; 62 Cal.App.5th 726; Sacramento County Superior Court; 12F01245, 13F00422)                       |
| <b>#21-343 <i>In re Viehmeyer, S268660</i></b> | (G059162; 62 Cal.App.5th 973; Orange County Superior Court; 02CF2946)                                     |
| <b>#21-433 <i>In re Ontiveros, S269832</i></b> | (D077905; 65 Cal.App.5th 899; San Diego County Superior Court; HC24134, SCD263128, SCD264642)             |
| <b>#21-482 <i>In re C.R., S270498</i></b>      | (H047991; nonpublished opinion; Santa Clara County Superior Court; C2000522, C9937403)                    |
| <b>#21-483 <i>In re Guice, S270524</i></b>     | (H047989; 66 Cal.App.5th 933; Monterey County Superior Court; SS100975A, SS110737B, SS130742, 19HC000143) |

Review in the following case, which was granted and held for *In re Gadlin* (2020) 10 Cal.5th 915 and *In re Mohammad* (2022) 12 Cal.5th 518, was dismissed:

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| <b>#20-99 <i>In re Ellington, S260851</i></b> | (B296112; nonpublished opinion; Los Angeles County Superior Court; YA095609) |
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The following case was transferred for reconsideration in light of *People v. Lewis* (2021) 11 Cal.5th 952 and Senate Bill No. 775 (Stats. 2021, ch. 551):

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| <b>#20-83 <i>People v. Gutierrez, S260050</i></b> | (G057594; nonpublished opinion; Orange County Superior Court; 98NF2685) |
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Review in the following case, which was granted and held for *People v. Lewis* (2021) 11 Cal.5th 952, was dismissed:

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| <b>#20-268 <i>People v. Robinson, S263947</i></b> | (B298823; nonpublished opinion; Los Angeles County Superior Court; BA308697) |
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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.*