



Supreme Court of California  
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**NEWS RELEASE**

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**FOR IMMEDIATE RELEASE**

March 17, 2023

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## Summary of Cases Accepted and Related Actions During Week of March 13, 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.]*

**#23-41 *People v. Arellano*, S277962.** (H049413; 86 Cal.App.5th 418; Santa Clara County Superior Court; 159386.) Petition for review after the Court of Appeal reversed a post-judgment motion and remanded for resentencing in a criminal matter. This case presents the following issue: When a defendant obtains resentencing of a conviction under Penal Code section 1172.6, subdivision (e), is the trial court permitted to impose not only the target offense or underlying felony, but also corresponding enhancements?

**#23-42 *In re Kowalczyk*, S277910.** (A162977; 85 Cal.App.5th 667; San Mateo County Superior Court; 21SF003700A.) Petition for review after the Court of Appeal dismissed a petition for writ of habeas corpus as moot. The court limited review to the following issues: (1) Which constitutional provision governs the denial of bail in noncapital cases — article I, section 12, subdivisions (b) and (c), or article I, section 28, subdivision (f)(3), of the California Constitution — or, in the alternative, can these provisions be reconciled? (2) May a superior court ever set pretrial bail above an arrestee's ability to pay?

**#23-43 *People v. Charles*, S278490.** (C093057, C092841; nonpublished opinion; Sacramento County Superior Court; 14F02499; 17FE002458.) 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. Faial*, S273840 (#22-133), which presents the following issue: Does Assembly Bill No. 1950 (Stats. 2020, ch. 328) apply retroactively to a defendant, serving a suspended-execution sentence, whose probation was revoked before the law went into effect?

**#23-44 *Conway v. San Diego City Employees' Retirement System*, S277880.**

(D079355; nonpublished opinion; San Diego County Superior Court; 37-2020-00007020-CU-FR-CTL.) Petition for review after the Court of Appeal affirmed the judgment in a civil action. The court ordered briefing deferred pending decision in *Leon v. County of Riverside*, S269672 (#21-409), which presents the following issue: Is immunity under Government Code section 821.6 limited to actions for malicious prosecution? (See *Sullivan v. County of Los Angeles* (1974) 12 Cal.3d 710.)

**#23-45 *People v. Cummings*, S278459.** (B316538; nonpublished opinion; Los Angeles County Superior Court; TA148874.) Petition for review after the Court of Appeal affirmed a judgment of conviction of criminal offenses.

**#23-46 *People v. Garcia*, S278513.** (F083245; nonpublished opinion; Kern County Superior Court; BF184915A.) Petition for review after the Court of Appeal affirmed a judgment of conviction of criminal offenses.

**#23-47 *People v. Ross*, S278266.** (A163242; 86 Cal.App.5th 1346; Del Norte County Superior Court; CRPB195129.) Petition for review after the Court of Appeal conditionally reversed a judgment of conviction of criminal offenses and remanded for further proceedings.

The court ordered briefing in *Cummings*, *Garcia*, and *Ross* 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)?

**#23-48 *People v. Sipe*, S278255.** (A163611; nonpublished opinion; Alameda County Superior Court; 164341.) Petition for review after the Court of Appeal affirmed a civil commitment order. The court ordered briefing deferred pending decision in *Camacho v. Superior Court*, S273391 (#22-118), which presents the following issue: Does a 15-year delay in bringing a defendant to trial under the Sexually Violent Predator Act (Welf. & Inst. Code, § 6600 et. seq) constitute a due process violation?

**#23-49 *People v. Steele*, S278512.** (E077444; nonpublished opinion; San Bernardino County Superior Court; FSB029421.) 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. 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?

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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.*