



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 March 20, 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.]

#23-50 *People v. Walker*, S278309. (B319961; 86 Cal.App.5th 386; Los Angeles County Superior Court; BA398731.) Petition for review after the Court of Appeal affirmed in part and reversed in part a post-conviction motion to modify sentence, and remanded with directions. The court limited review to the following issue: Does the amendment to Penal Code section 1385, subdivision (c) that requires trial courts to “afford great weight” to enumerated mitigating circumstances (Stats. 2021, ch. 721) create a rebuttable presumption in favor of dismissing an enhancement unless the trial court finds dismissal would endanger public safety?

#23-51 *In re An. L.*, S278127. (B315986; nonpublished opinion; Los Angeles County Superior Court; 20CCJP01456.) Petition for review after the Court of Appeal affirmed orders in a juvenile dependency proceeding.

#23-52 *In re Athena R.*, S278121. (B318751; nonpublished opinion; Los Angeles County Superior Court; 19CCJP05249.) Petition for review after the Court of Appeal affirmed an order in a juvenile dependency proceeding.

The court ordered briefing in *In re An. L.* and *In re Athena R.* deferred pending decision in *In re Dezi C.*, S275578 (#22-254), which presents the following issue: What constitutes reversible error when a child welfare agency fails to make the statutorily required inquiry concerning a child’s potential Indian ancestry?

#23-53 *People v. Barnes*, S278427. (E077878; nonpublished opinion; Riverside County Superior Court; BAF1701103.) Petition for review after the Court of Appeal modified and affirmed a judgment of conviction of criminal offenses.

#23-54 *People v. Cabada*, S278654. (B315418; nonpublished opinion; Ventura County Superior Court; 2020032612.) Petition for review after the Court of Appeal affirmed a judgment of conviction of criminal offenses.

The court ordered briefing in *Barnes* and *Cabada* 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)?

#23-55 *People v. Eldridge*, S278640. (D079641; nonpublished opinion; San Bernardino County Superior Court; FVI19003462.) Petition for review after the Court of Appeal remanded for resentencing and otherwise affirmed a judgment of conviction of criminal offenses. The court ordered briefing deferred pending decision in *People v. McDavid*, S275940 (#22-261), which presents the following issue: Does the trial court have discretion to strike a firearm enhancement imposed pursuant to Penal Code section 12022.53 and instead impose a lesser uncharged firearm enhancement pursuant to a different statute (Pen. Code, § 12022.5)?

#23-56 *People v. Kelly*, S278503. (B318060; 87 Cal.App.5th 1; Ventura County Superior Court; 2017008225.) 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. 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?

#23-57 *People v. Nash*, S278610. (D079539; 87 Cal.App.5th 483; San Diego County Superior Court; SCE371032.) 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?

DISPOSITIONS

The following cases were transferred for reconsideration in light of *People v. Delgadillo* (2022) 14 Cal.5th 216:

#22-14 <i>People v. Aguilar</i> , S272111	(B309086; nonpublished opinion; Los Angeles County Superior Court; NA072796)
#21-300 <i>People v. Armstrong</i> , S268729	(B308270; nonpublished opinion; Los Angeles County Superior Court; NA055737)
#22-30 <i>People v. Banks</i> , S272357	(C093571; nonpublished opinion; Sacramento County Superior Court; 98F10219)
#21-381 <i>People v. Barron</i> , S269366	(C093046; nonpublished opinion; Sacramento County Superior Court; 06F06656)
#22-31 <i>People v. Blackman</i> , S272423	(C093647; nonpublished opinion; Shasta County Superior Court; 96F0872)
#22-297 <i>People v. Brown</i> , S276874	(E079192; nonpublished opinion; Riverside County Superior Court; RIF1409333)
#21-218 <i>People v. Brownlee</i> , S267865	(C091028; nonpublished order; Sacramento County Superior Court; 16FE018278)
#22-265 <i>People v. Burnett</i> , S276254	(C095101; nonpublished opinion; Sacramento County Superior Court; 96F05901)
#21-255 <i>People v. Carter</i> , S268174	(E075387; nonpublished opinion; Riverside County Superior Court; CR40178)
#21-219 <i>People v. Chavez</i> , S267909	(C091683; nonpublished order; Sacramento County Superior Court; 02F04333)

#21-220 <i>People v. Clark</i>, S267403	(C091345; nonpublished order; Sacramento County Superior Court; 02F07480)
#22-32 <i>People v. Currie</i>, S272048	(C093500; nonpublished opinion; Sacramento County Superior Court; 117993)
#21-222 <i>People v. Eaddy</i>, S268036	(C092275; nonpublished order; Sacramento County Superior Court; 15F02249)
#21-277 <i>People v. Faumui</i>, S268439	(E075801; nonpublished order; San Bernardino County Superior Court; FBV3726)

Review in the following case, which was granted and held for *People v. Delgadillo* (2022) 14 Cal.5th 216, was dismissed:

#21-528 <i>People v. Brew</i>, S271139	(H047156; nonpublished opinion; Santa Clara County Superior Court; 206491)
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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.