



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 28, 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.]*

**#22-77 *People v. Emery*, S273293.** (C093813; nonpublished opinion; Amador County Superior Court; 18CR2762904.) Petition for review after the Court of Appeal modified and affirmed a judgment of conviction of a criminal offense. The court ordered briefing deferred pending decision in *People v. Prudholme*, S271057 (#21-531), which presents the following issues: (1) Does Assembly Bill No. 1950 (Stats. 2020, ch. 328) apply retroactively under *In re Estrada* (1965) 63 Cal.2d 740? (2) If so, does the remand procedure of *People v. Stamps* (2020) 9 Cal.5th 685 apply?

**#22-78 *People v. Esquivel*, S273176.** (D079448; nonpublished opinion; Monterey County Superior Court; SS161405.) 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. 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?

**#22-79 *People v. Felix*, S273283.** (D078931; nonpublished opinion; Riverside County Superior Court; SWF1100211.) Petition for review after the Court of Appeal reversed an order denying a post-judgment motion in a criminal matter.

**#22-80 *People v. Howard*, S273357.** (E076084; nonpublished opinion; San Bernardino County Superior Court; FSB03736.) 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 *Felix* and *Howard* 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?

**#22-89 *People v. Haven*, S273287.** (C093641; nonpublished opinion; Sacramento County Superior Court; 12F01615.) Petition for review after the Court of Appeal dismissed an appeal from an order denying a post-judgment motion in a criminal matter. The court ordered briefing 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?

**#22-90 *People v. Yates*, S273316.** (E075152; nonpublished opinion; Riverside County Superior Court; INF1800540.) 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. Ramirez*, S262010 (#20-148), which presents the following issues: (1) Did the trial court err in ruling that defendant's overdose on heroin during his jury trial was an implicit waiver of his right to be present and made him voluntarily absent within the meaning of Penal Code section 1043, subdivision (b)(2)? (2) Did the trial court err in denying the defense motion for a one-day continuance to permit defendant to testify?

### DISPOSITIONS

The following cases were transferred for reconsideration in light of Senate Bill No. 483 (Stats. 2021, ch. 728):

<b>#21-88 <i>People v. Atwell</i>, S266370</b>	(H047618; nonpublished opinion; Santa Clara County Superior Court; C1902644)
<b>#21-398 <i>People v. Barrera</i>, S269680</b>	(F080629; nonpublished opinion; Kings County Superior Court; 19CM3059A)
<b>#21-89 <i>People v. Edwards</i>, S266317</b>	(D076088; nonpublished opinion; San Diego County Superior Court; SCD280337)
<b>#21-239 <i>People v. Kleinau</i>, S268116</b>	(C092104; nonpublished opinion; Nevada County Superior Court; F18000268)
<b>#21-432 <i>People v. Mendez</i>, S269938</b>	(F079853; nonpublished opinion; Fresno County Superior Court; F17901716)

<b>#21-399 <i>People v. Thomas</i>, S269662</b>	(H047467; nonpublished opinion; Monterey County Superior Court; SS160707)
<b>#21-478 <i>People v. Weed</i>, S270414</b>	(B301436; nonpublished opinion; Los Angeles County Superior Court; TA143782)

### STATUS

In the following case, in which briefing was previously deferred pending decision in *People v. Hernandez*, S265739 (#21-36), the court ordered briefing deferred pending decision in *People v. Prudholme*, S271057 (#21-531), which presents the following issues: (1) Does Assembly Bill No. 1950 (Stats. 2020, ch. 328) apply retroactively under *In re Estrada* (1965) 63 Cal.2d 740? (2) If so, does the remand procedure of *People v. Stamps* (2020) 9 Cal.5th 685 apply?

<b>#21-489 <i>People v. Alonzo</i>, S270190</b>	(F081532; nonpublished opinion; Kern County Superior Court; BF176208A)
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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.*