



Supreme Court of California
350 McAllister Street, San Francisco, CA 94102-4797
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NEWS RELEASE

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

FOR IMMEDIATE RELEASE

April 12, 2024

Summary of Cases Accepted and Related Actions During Week of April 8, 2024

[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.]

#24-63 *Center for Biological Diversity, Inc. v. Public Utilities Com.*, S283614.

(A167721; 98 Cal.App.5th 20, mod. 98 Cal.App.5th 659e; Public Utilities Commission; 2212056.) Petition for review after the Court of Appeal affirmed a decision of the Public Utilities Commission. This case presents the following issues: (1) What standard of review applies to judicial review of a Public Utilities Commission decision interpreting provisions of the Public Utilities Code? (2) Did the Public Utilities Commission proceed in the manner required by law, specifically Public Utilities Code section 2827.1, subdivision (b)(1) and (3), when it adopted the successor tariff in *Decision Revising Net Energy Metering Tariff and Subtariffs* (2022) Cal.P.U.C. Dec. No. D.22-12-056?

#24-64 *Doe v. Marysville Joint Unified School District*, S283639. (C095446; 98 Cal.App.5th 95; Yuba County Superior Court; CVPO2100697.) Petition for review after the Court of Appeal affirmed the judgment in a civil action. This case presents the following issues: (1) Did the plaintiffs' second voluntary dismissal of their federal court action preclude a subsequent state court action based on the same claims? (2) Did the defendant's assertion of sovereign immunity over plaintiffs' state law claims in federal court divest that court of subject matter jurisdiction over those claims?

#24-65 *Agnone v. Agnone*, S284051. (B321252; nonpublished opinion; Los Angeles County Superior Court; BD659645.) Petition for review after the Court of Appeal reversed an order in a civil action. The court ordered briefing deferred pending decision in *City of Los Angeles v. PricewaterhouseCoopers, LLC*, S277211 (#23-17), which presents the following issue: Is a court's authority to impose monetary sanctions for misuse of the discovery process limited to circumstances expressly delineated in a method-specific provision of the Civil Discovery Act, or do courts have independent

authority to impose monetary sanctions for such discovery misconduct, including under Code of Civil Procedure sections 2023.010 and 2023.030?

#24-66 *People v. Boyd*, S284083. (F085425; nonpublished opinion; Fresno County Superior Court; F18904018.) 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. 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)?

#24-67 *People v. Concha*, S284059. (B319341; nonpublished opinion; Los Angeles County Superior Court; BA287017.) 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. Antonelli*, S281599 (#23-203), which presents the following issues: (1) Is defendant entitled to resentencing pursuant to Penal Code section 1172.6 on the ground that malice could be imputed to the defendant under the provocative act theory of murder for convictions occurring before 2009 (see Sen. Bill No. 775 (2021–2022 Reg. Sess.); *People v. Concha* (2009) 47 Cal.4th 653)? (2) Did the trial court err by not considering the jury instructions in determining defendant was ineligible for resentencing as a matter of law for a provocative act murder?

#24-68 *People v. Gonzalez*, S284060. (F084952; 98 Cal.App.5th 1300; Kern County Superior Court; BF185179A.) 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. Fletcher*, S281282 (#23-188), which presents the following issues: (1) Does Assembly Bill No. 333 amend the requirements for a true finding on a prior strike conviction (Pen. Code, §§ 667, subds. (b)–(i) & 1170.12, subds. (a)–(d)) and a prior serious felony conviction (Pen. Code, § 667, subd. (a)), or is that determination made on “the date of that prior conviction”? (See Pen. Code, §§ 667, subd. (d)(1) & 1170.12, subd. (b)(1).) (2) Does Assembly Bill No. 333 (Stats. 2021, ch. 699), which modified the criminal street gang statute (Pen. Code, § 186.22), unconstitutionally amend Proposition 21 and Proposition 36, if applied to strike convictions and serious felony convictions?

#24-69 *People v. Hernandez*, S284049. (B328585; nonpublished opinion; Los Angeles County Superior Court; BA459670.) Petition for review after the Court of Appeal reversed an order denying a post-judgment motion in a criminal matter and remanded for further proceedings. The court ordered briefing deferred pending decision in *People v. Patton*, S279670 (#23-129), which presents the following issue: Did the trial court engage in impermissible judicial factfinding by relying on the preliminary hearing

transcript to deny defendant's Penal Code section 1172.6 petition at the prima facie stage? (See *People v. Lewis* (2021) 11 Cal.5th 952.)

#24-70 *People v. Yu*, S284117. (C096075; nonpublished opinion; Placer County Superior Court; 62166376.) Petition for review after the Court of Appeal affirmed in part and reversed in part a judgment of conviction of criminal offenses and remanded for further proceedings. The court ordered briefing deferred pending decision in *People v. Reynoza*, S273797 (#22-120), which presents the following issue: Does Penal Code section 136.1, subdivision (b)(2), which prohibits dissuading or attempting to dissuade a victim or witness from causing a charging document "to be sought and prosecuted, and assisting in the prosecution thereof," encompass attempts to dissuade a victim or witness after a charging document has been filed?

SEPARATE STATEMENT ON DENIAL OF REVIEW

In re Mendoza, S282745. Original proceeding.

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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.