



Supreme Court of California  
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**NEWS RELEASE**

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

**FOR IMMEDIATE RELEASE**

April 21, 2023

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## Summary of Cases Accepted and Related Actions During Week of April 17, 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.]*

**#23-75 *People v. Anderson*, S278786.** (B320627; 88 Cal.App.5th 233; Los Angeles County Superior Court; GA073706.) Petition for review after the Court of Appeal affirmed an order granting in part and denying in part a petition to recall sentence. The court ordered briefing deferred pending decision in *People v. Walker*, S278309 (#23-50), which presents 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?

**#23-76 *People v. Hubbs*, S278810.** (D077636; nonpublished opinion; San Bernardino County Superior Court; FBABS700108.) 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?

**#23-77 *People v. Laws*, S278836.** (F081267; nonpublished opinion; Kern County Superior Court; BF165010A.) 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. Rojas*, S275835 (#22-276), which presents the following issue: Does Assembly Bill No. 333 (Stats. 2021, ch. 699) unconstitutionally amend Proposition 21, if applied to the gang-murder special circumstance (Pen. Code, § 190.2, subd. (a)(22))?

**#23-78 *People v. Ramirez, S278927.*** (E077359; nonpublished opinion; Riverside County Superior Court; RIF1605001.) 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 *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?

**#23-79 *Shusha, Inc. v. Century-National Insurance Company, S278614.*** (B313907; 87 Cal.App.5th 250; Los Angeles County Superior Court; 20STCV25769.) Petition for review after the Court of Appeal reversed the judgment in a civil action. The court ordered briefing deferred pending decision in *Another Planet Entertainment, LLC v. Vigilant Insurance Company, S277893* (#23-36), which presents the following issue: "Can the actual or potential presence of the COVID-19 virus on an insured's premises constitute 'direct physical loss or damage to property' for purposes of coverage under a commercial property insurance policy?"

**#23-80 *People v. Spratt, S278714.*** (C095526; nonpublished opinion; Sacramento County Superior Court; 19FE006377.) 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)?

**#23-81 *People v. Sutton, S278770.*** (F079285; nonpublished opinion; Kern County Superior Court; BF165091B.) 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. Rojas, S275835* (#22-276), which presents the following issue: Does Assembly Bill No. 333 (Stats. 2021, ch. 699) unconstitutionally amend Proposition 21, if applied to the gang-murder special circumstance (Pen. Code, § 190.2, subd. (a)(22))? and pending decision in *People v. Hardin, S277487* (#23-1), 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 sentenced to life without the possibility of parole from youth offender parole consideration, while young adults sentenced to parole-eligible terms are entitled to such consideration?

**#23-82 *People v. Toschi*, S278592.** (C095977; nonpublished opinion; Butte County Superior Court; 21CF04876.) Petition for review after the Court of Appeal modified and 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?

### DISPOSITIONS

The following cases were transferred for reconsideration in light of *In re D.P.* (2023) 14 Cal.5th 266:

<b>#22-115 <i>In re Casey E.</i>, S273342.</b>	(B309348; nonpublished opinion; Los Angeles County Superior Court; 20CCJP04939.)
<b>#21-544 <i>In re Destiny V.</i>, S271084.</b>	(B308299; nonpublished opinion; Los Angeles County Superior Court; 20CCJP04335, 20CCJP04335A.)
<b>#22-116 <i>In re Luke S.</i>, S273262.</b>	(B311414; nonpublished opinion; Los Angeles County Superior Court; 20CCJP00148; 20CCJP00148A.)
<b>#21-503 <i>In re M.K.</i>, S270424.</b>	(B307066; nonpublished opinion; Los Angeles County Superior Court; 18CCJP04153, 18CCJP04153I, 18CCJP04153J, 18CCJP04153K, 18CCJP04153L, 18CCJP04153M, 18CCJP04153N, 18CCJP04153O, 18CCJP04153P.)
<b>#21-545 <i>In re N.N.</i>, S271097.</b>	(F081725; nonpublished opinion; Kings County Superior Court; 19JD0241.)
<b>#22-285 <i>In re V.G.</i>, S276496.</b>	(B317112; nonpublished opinion; Santa Barbara County Superior Court; 21JV00359.)

#22-216 <i>In re Z.T.</i> , S274842.	(A163190; nonpublished opinion; Contra Costa County Superior Court; J2100028, J2100029, J2100030.)
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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.*