



Supreme Court of California
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NEWS RELEASE

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FOR IMMEDIATE RELEASE

April 22, 2022

Summary of Cases Accepted and Related Actions During Week of April 18, 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.]

#22-101 *People v. Andrade, S273659.* (F081878; nonpublished opinion; Merced County Superior Court; CRM012561B.) Petition for review after the Court of Appeal affirmed an order denying a post-judgment motion in a criminal matter.

#22-102 *People v. Olague, S273314.* (C092670; nonpublished opinion; Yolo County Superior Court; CR20035627.) Petition for review after the Court of Appeal affirmed in part and reversed in part an order denying a post-judgment motion in a criminal matter.

The court ordered briefing in *Andrade* and *Olague* deferred pending decision in *People v. Curiel, S272238* (#21-23), which presents the following issue: Does a jury's true finding on a gang-murder special circumstance (Pen. Code, § 190.2, subd. (a)(22)) preclude a defendant from making a prima facie showing of eligibility for resentencing under Penal Code section 1170.95?

#22-103 *Brown v. Superior Court, S273408.* (B317322; nonpublished order; Los Angeles County Superior Court; NA020150.) Petition for review after the Court of Appeal granted a peremptory writ of mandate. The court ordered briefing deferred pending decision in *People v. Padilla, S263375* (#20-232), which presents the following issue: When a judgment becomes final, but is later vacated, altered, or amended and a new sentence imposed, is the case no longer final for the purpose of applying an intervening ameliorative change in the law?

#22-104 *Kia America v. Superior Court, S273170.* (D079858; unpublished order; San Diego County Superior Court; 37-2021-00010801-CU-BC-CTL.) Petition for review after the Court of Appeal denied a petition for writ of mandate. The court ordered briefing deferred pending decision in *Rattagan v. Uber Technologies, S272113* (#22-29),

on certification from the Ninth Circuit, in which we agreed to address the following question: Under California law, are claims for fraudulent concealment exempted from the economic loss rule?

#22-105 *People v. Ortega, S273451.* (B308609; nonpublished opinion; Los Angeles County Superior Court; BA191775.) Petition for review after the Court of Appeal reversed an order denying a post-judgment motion in a criminal matter. The court ordered briefing 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?

#22-106 *People v. Vaca, S273597.* (H047346; nonpublished opinion; Santa Clara County Superior Court; 199877.) 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?

DISPOSITIONS

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

#21-83 <i>People v. Griffin, S266521</i>	(A159104; 57 Cal.App.5th 1088; Lake County Superior Court; CR952884, CR953175B, CR953305A)
#21-90 <i>People v. Joaquin, S266594</i>	(A152786; 58 Cal.App.5th 173; Mendocino County Superior Court; SCUKCR1789461001)
#21-98 <i>People v. France, S266771</i>	(A158609; 58 Cal.App.5th 714; Mendocino County Superior Court; SCUKCR1894426, SCUKCRPA1932313)
#21-299 <i>People v. Andahl, S268336</i>	(C090707; 62 Cal.App.5th 203; Calaveras County Superior Court; 17F7159, 18F7255)
#21-342 <i>People v. Stewart, S268787</i>	(A157857; 62 Cal.App.5th 1065; Napa County Superior Court; 19CR000855)

#21-387 <i>People v. Houle</i> , S269337	(A159055; 64 Cal.App.5th 395; Sonoma County Superior Court; SCR724212)
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The following cases were transferred for reconsideration in light of *People v. Tirado* (2022) 12 Cal.5th 688:

#21-174 <i>People v. Delavega</i> , S267293	(A154936; 59 Cal.App.5th 1074 [non-citable]; Contra Costa County Superior Court; 51708742)
#20-141 <i>People v. Garcia</i> , S261772	(B293491; 46 Cal.App.5th 786 [non-citable]; Los Angeles County Superior Court; SA095648)
#21-536 <i>People v. Henderson</i> , S271346	(C088883; 68 Cal.App.5th 709; Sacramento County Superior Court; 17FE008447)
#21-484 <i>People v. Hoang</i> , S270553	(H046550; nonpublished opinion; Santa Clara County Superior Court; C1370251)
#20-113 <i>People v. Yanez</i> , S260819	(E070556; 44 Cal.App.5th 452 [non-citable]; Riverside County Superior Court; INF1500427)
#21-405 <i>People v. Lara</i> , S269107	(E074161; nonpublished opinion; Riverside County Superior Court; INF1501389)
#20-117 <i>People v. Melara</i> , S261087	(B289019; nonpublished opinion; nonpublished opinion; Los Angeles County Superior Court; BA427561)
#21-376 <i>People v. Nunez</i> , S268993	(E071815; nonpublished opinion; San Bernardino County Superior Court; FWV17003089, FWV17003091)
#21-147 <i>People v. Ramos</i> , S266856	(D074429; nonpublished opinion; San Diego County Superior Court; SCN365966)

Review in the following cases, which were granted and held for *People v. Tirado* (2022) 12 Cal.5th 688, was dismissed:

#20-253 <i>People v. Douglas</i> , S263396	(B300348; nonpublished opinion; Los Angeles County Superior Court; VA103562)
#21-175 <i>People v. Estrada</i> , S267331	(H045921, nonpublished opinion; Monterey County Superior Court; SS170309A)
#20-158 <i>People v. Garcia</i> , S262122	(A156745; nonpublished opinion; San Mateo County Superior Court; SC081796D)

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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.