



Supreme Court of California
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NEWS RELEASE

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FOR IMMEDIATE RELEASE

April 28, 2023

Summary of Cases Accepted and Related Actions During Week of April 24, 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.]

#23-83 *People v. Deaton*, S278914. (C095776; nonpublished opinion; Yolo County Superior Court; CRF20211506.) 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. 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?

#23-84 *People v. Jordan*, S279197. (C092147; nonpublished opinion; San Joaquin County Superior Court; STKCRFE20180006959.) 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. Clark*, S275746 (#22-275), which presents the following issue: Can the People meet their burden of establishing a “pattern of criminal gang activity” under Penal Code section 186.22 as amended by Assembly Bill No. 333 (Stats. 2021, ch. 699) by presenting evidence of individual gang members committing separate predicate offenses, or must the People provide evidence of two or more gang members working in concert with each other during each predicate offense?

#23-85 *Quintero v. Dolgen California, LLC*, S279155. (F083769; nonpublished opinion; Tulare County Superior Court; VCU287566.) Petition for review after the Court of Appeal reversed in part and affirmed in part an order denying a petition to compel arbitration. The court ordered briefing deferred pending decision in *Adolph v. Uber Technologies, Inc.*, S274671 (#22-204), which presents the following issue: Whether an aggrieved employee who has been compelled to arbitrate claims under the Private

Attorneys General Act (PAGA) that are “premised on Labor Code violations actually sustained by” the aggrieved employee (*Viking River Cruises, Inc. v. Moriana* (2022) 596 U.S. __, __ [142 S.Ct. 1906, 1916] (*Viking River Cruises*); see Lab. Code, §§ 2698, 2699, subd. (a)) maintains statutory standing to pursue “PAGA claims arising out of events involving other employees” (*Viking River Cruises*, at p. __ [142 S.Ct. at p. 1916]) in court or in any other forum the parties agree is suitable.

#23-86 *People v. Sallee*, S278690. (F083728; 88 Cal.App.5th 330; Merced County Superior Court; 19CR-05532.) Petition for review after the Court of Appeal affirmed a judgment of conviction of criminal offenses.

#23-87 *People v. Todd*, S279154. (H049129; 88 Cal.App.5th 373; Santa Clara County Superior Court; C1899027.) Petition for review after the Court of Appeal reversed a judgment of conviction of criminal offenses and remanded for further proceedings.

The court ordered briefing in *Sallee* and *Todd* 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?

#23-88 *In re Tyler C.*, S279071. (B316341; nonpublished opinion; Los Angeles County Superior Court; 18LJJP00613.) Petition for review after the Court of Appeal affirmed an order in a juvenile dependency proceeding. The court ordered briefing 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?

#23-89 *People v. Wheeler*, S279176. (B314403; nonpublished opinion; San Luis Obispo County Superior Court; 20F-06062.) 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. Catarino*, S271828 (#22-11), which presents the following issue: Does Penal Code section 667.6, subdivision (d), which requires that a “full, separate, and consecutive term” must be imposed for certain offenses if the sentencing court finds that the crimes “involve[d] the same victim on separate occasions,” comply with the Sixth Amendment to the U.S. Constitution?; *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)?; and *People v. Salazar*, S275788 (#22-264), which presents the following issue: Did the Court of Appeal err by finding the record clearly indicates the trial court would not have imposed a low term sentence if it had been fully aware of its discretion under newly-added

subdivision (b)(6) of Penal Code section 1170? (See *People v. Gutierrez* (2014) 58 Cal.4th 1354, 1391.)

DISPOSITIONS

Review in the following case, which had been granted and held for *In re Vaquera*, S258376 (#19-195), was dismissed at the request of the petitioner:

#21-97 <i>People v. Beavers</i>, S266408	(G056848; nonpublished opinion; Orange County Superior Court; 14WF2967)
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Review in the following case, which had been granted and held for *People v. Williams*, S262229 (#20-189), was dismissed at the request of the petitioner:

#21-182 <i>People v. Moseley</i>, S267309	(B303321; 59 Cal.App.5th 1160; Los Angeles County Superior Court; BA164739)
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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.