



Supreme Court of California  
350 McAllister Street, San Francisco, CA 94102-4797  
[www.courts.ca.gov/supremecourt](http://www.courts.ca.gov/supremecourt)

**NEWS RELEASE**

Contact: [Cathal Conneely](mailto:Cathal.Conneely), 415-865-7740

**FOR IMMEDIATE RELEASE**

April 29, 2022

---

## Summary of Cases Accepted and Related Actions During Week of April 25, 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.]*

**#22-107 *Raines v. U.S. Healthworks Medical Group, S273630.*** (9th Cir. No. 21-55229; 28 F.4th 968; Southern District of California; No. 3:19-cv-01539-DMS-DEB.) Request under California Rules of Court, rule 8.548, that this court decide a question of California law presented in a matter pending in the United States Court of Appeals for the Ninth Circuit. The question presented is: Does California’s Fair Employment and Housing Act, which defines “employer” to include “any person acting as an agent of an employer” (Gov. Code, § 12926, subd. (d)), permit a business entity acting as an agent of an employer to be held directly liable for employment discrimination?

**#22-108 *TriCoast Builders, Inc. v. Fonnegra, S273368.*** (B303300; 74 Cal.App.5th 239; Los Angeles County Superior Court; PC056615.) Petition for review after the Court of Appeal affirmed the judgment in a civil action. This case presents the following issues: (1) When a trial court denies a request for relief from a jury waiver under Code of Civil Procedure section 631, and the losing party does not seek writ review but instead appeals from an adverse judgment after a bench trial, must the appellant show “actual prejudice” when challenging the order on appeal? (2) Does a trial court abuse its discretion when it denies a request for relief from a jury trial waiver without a showing that granting the request will prejudice the opposing party or the trial court?

**#22-109 *People v. Brittain, S273731.*** (D078233; nonpublished opinion; San Diego County Superior Court; SCD187149.) Petition for review after the Court of Appeal reversed an order denying a post-judgment motion in a criminal matter.

**#22-110 *People v. Hundley, S273685.*** (C092618; nonpublished opinion; Sacramento County Superior Court; 08F09808.) Petition for review after the Court of Appeal affirmed an order denying a post-judgment motion in a criminal matter.

**#22-111 *People v. Jennings, S273750.*** (H049043; nonpublished opinion; Santa Clara County Superior Court; 155731.) Petition for review after the Court of Appeal reversed an order denying a post-judgment motion in a criminal matter.

**#22-112 *People v. Nicholas, S273690.*** (C091668; nonpublished opinion; Sacramento County Superior Court; 97F03179.) Petition for review after the Court of Appeal affirmed an order denying a post-judgment motion in a criminal matter.

**#22-113 *People v. Shorter, S273710.*** (C092368; nonpublished opinion; Sacramento County Superior Court; 09F09113.) 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 *Brittain, Hundley, Jennings, Nicholas, and Shorter* 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?

**#22-114 *People v. Brown, S273752.*** (G060395; nonpublished opinion; Santa Clara County Superior Court; C1764817.) Petition for review after the Court of Appeal reversed in part, affirmed in part, and remanded a judgment of conviction of criminal offenses. The court ordered briefing deferred pending decision in *People v. Mumin, S271049* (#21-520), which presents the following issues: Did the trial court err by providing a kill zone instruction? Did the Court of Appeal apply the proper standard of review under *People v. Canizales* (2019) 7 Cal.5th 591 in holding the trial court did not err in providing the kill zone instruction?

**#22-115 *In re Casey E., S273342.*** (B309348; nonpublished opinion; Los Angeles County Superior Court; 20CCJP04939.) Petition for review after the Court of Appeal dismissed appeal as moot in a juvenile dependency proceeding.

**#22-116 *In re Luke S., S273262.*** (B311414; nonpublished opinion; Los Angeles County Superior Court; 20CCJP00148; 20CCJP00148A.) Petition for review after the Court of Appeal dismissed appeal as moot in a juvenile dependency proceeding.

The court ordered briefing in *Casey E.* and *Luke S.* deferred pending decision in *In re D.P., S267429* (#21-251), which presents the following issues: (1) Is an appeal of a juvenile court's jurisdictional finding moot when a parent asserts that he or she has been or will be stigmatized by the finding? (2) Is an appeal of a juvenile court's jurisdictional finding moot when a parent asserts that he or she may be barred from challenging a current or future placement on the Child Abuse Central Index as a result of the finding?

**#22-117 *Winick v. Noble LA Events, S273374.*** (B305697; nonpublished opinion; Los Angeles County Superior Court; BC569126.) Petition for review after the Court of Appeal affirmed the judgment in a civil action. The court ordered briefing deferred pending decision in *TriCoast Builders, Inc. v. Fonnegra, S273368* (#22-108), which presents the following issues: (1) When a trial court denies a request for relief from a jury waiver under Code of Civil Procedure section 631, and the losing party does not seek writ review but instead appeals from an adverse judgment after a bench trial, must the appellant show “actual prejudice” when challenging the order on appeal? (2) Does a trial court abuse its discretion when it denies a request for relief from a jury trial waiver without a showing that granting the request will prejudice the opposing party or the trial court?

### DISPOSITIONS

The following case was transferred for reconsideration in light of *Lawson v. PPG Architectural Finishes, Inc.* (2022) 12 Cal.5th 703:

<b>#22-41 <i>Joseph v. California Department of Corrections and Rehabilitation, S272046</i></b>	(E074481; nonpublished opinion; Riverside County Superior Court; RIC1607364)
---	--

The following cases were transferred for reconsideration in light of *People v. Lewis* (2021) 11 Cal.5th 952:

<b>#21-152 <i>People v. Duval, S267189</i></b>	(C089098; nonpublished opinion; Sutter County Superior Court; 06WF2818)
<b>#21-163 <i>People v. Fielder, S267271</i></b>	(B305966; nonpublished opinion; Los Angeles County Superior Court; GA051505)
<b>#20-103 <i>People v. Forch, S260788</i></b>	(B296637; nonpublished opinion; Los Angeles County Superior Court; MA030634)
<b>#20-280 <i>People v. Matthews, S263725</i></b>	(B299219; nonpublished opinion; Los Angeles County Superior Court; A367138)
<b>#21-61 <i>People v. Welch, S266331</i></b>	(B300338; nonpublished opinion; Los Angeles County Superior Court; A799639)

The following cases were transferred for reconsideration in light of *People v. Tirado* (2022) 12 Cal.5th 688:

<b>#20-251 <i>People v. Alonzo, S263559</i></b>	(G057141; nonpublished opinion; Orange County Superior Court; 13NF1047)
---	---

<b>#20-252 <i>People v. Chacon, S263743</i></b>	(F077849; nonpublished opinion; Kern County Superior Court; BF142972A)
<b>#21-16 <i>People v. Childers, S266071</i></b>	(C089184; nonpublished opinion; Sacramento County Superior Court; 17FE005883)
<b>#21-465 <i>People v. Doulphus, S270189</i></b>	(C089263; nonpublished opinion; Tehama County Superior Court; NCR88402)
<b>#21-499 <i>People v. Duran, S270716</i></b>	(E073843; nonpublished opinion; Riverside County Superior Court; INF1501742)
<b>#21-438 <i>People v. Embry, S270014</i></b>	(F080697; nonpublished opinion; Kern County Superior Court; BF160677A)
<b>#21-425 <i>People v. Flores, S269778</i></b>	(F080730; nonpublished opinion; Fresno County Superior Court; F17905937)
<b>#20-391 <i>People v. Herrera, S265322</i></b>	(B298686; nonpublished opinion; Los Angeles County Superior Court; VA140013)
<b>#21-84 <i>People v. Johnson, S266274</i></b>	(D075649; nonpublished opinion; San Diego County Superior Court; SCD267741)
<b>#20-308 <i>People v. Lopez, S264189</i></b>	(E071797; nonpublished opinion; Riverside County Superior Court; INF1600709)
<b>#21-68 <i>People v. Lucero, S266018</i></b>	(F079788; nonpublished opinion; Tuolumne County Superior Court; CRF44425)
<b>#20-159 <i>People v. Mendez, S262059</i></b>	(G057464; nonpublished opinion; Orange County Superior Court; 09CF1034)
<b>#20-220 <i>People v. Mitchell, S263098</i></b>	(B298910; nonpublished opinion; Los Angeles County Superior Court; BA422497)
<b>#21-315 <i>People v. Moisa, S268587</i></b>	(F077818; nonpublished opinion; Tulare County Superior Court; PCF287834)
<b>#21-466 <i>People v. Moses, S270277</i></b>	(E071794; nonpublished opinion; Bernardino County Superior Court; RIF1701359)
<b>#21-439 <i>People v. O'Brien, S269997</i></b>	(E074516; nonpublished opinion; San Bernardino County Superior Court; FWV19001320)
<b>#21-248 <i>People v. Pratt, S267308</i></b>	(A154907, A155287; nonpublished opinion; San Francisco County Superior Court; SCN221133)
<b>#20-127 <i>People v. Reynolds, S261348</i></b>	(G056849; nonpublished opinion; Orange County Superior Court; 14WF3283)

<b>#21-485 People v. Roessler, S269975</b>	(C090009; nonpublished opinion; San Joaquin County Superior Court; MANCRFE20130001315, MF036585B)
<b>#21-406 People v. Sams, S269706</b>	(F080738; nonpublished opinion; Fresno County Superior Court; F14906439)
<b>#20-49 People v. Stepney, S259970</b>	(D075171, D075454; nonpublished opinion; San Bernardino County Superior Court; FWV1600164)
<b>#22-43 People v. Stinson, S272254</b>	(C093993; nonpublished opinion; Sacramento County Superior Court; 13F04902)
<b>#20-221 People v. Stultz, S263034</b>	(E071841; nonpublished opinion; Riverside County Superior Court; INF1601918)
<b>#20-254 People v. Tellez, S263709</b>	(C089819; nonpublished opinion; Sacramento County Superior Court; 12F07541)
<b>#19-212 People v. Thomas, S258797</b>	(F078649; nonpublished opinion; Fresno County Superior Court; F15907476)
<b>#22-21 People v. Torres, S272226</b>	(E075901; nonpublished opinion; San Bernardino County Superior Court; FVII101609)
<b>#20-154 People v. Tuiono, S262000</b>	(E071886; nonpublished opinion; Riverside County Superior Court; RIF1800197)
<b>#20-274 People v. Villalpando, S263875</b>	(C087324; nonpublished opinion; Sacramento County Superior Court; 16FE002927)
<b>#20-392 People v. Wohlfeil, S265584</b>	(E072752; nonpublished opinion; Riverside County Superior Court; SWF1707381)
<b>#20-97 People v. Woods, S260629</b>	(C087859; nonpublished opinion; Sacramento County Superior Court; 14F00551)
<b>#21-322 People v. Young, S268766</b>	(B294537; nonpublished opinion; Los Angeles County Superior Court; MA064957)

###

*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.*