



Supreme Court of California
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NEWS RELEASE

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FOR IMMEDIATE RELEASE

May 13, 2022

Summary of Cases Accepted and Related Actions During Week of May 9, 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.]

#22-118 *Camacho v. Superior Court, S273391.* (F082798; nonpublished opinion; Merced County Superior Court; 146207.) Petition for review after the Court of Appeal denied a petition for writ of mandate or prohibition. This case 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?

#22-119 *People v. Cooper, S273134.* (B304490; nonpublished opinion; Los Angeles County Superior Court; TA140718.) Petition for review after the Court of Appeal affirmed a judgment of conviction of criminal offenses. The court limited review to the following issue: Must any of defendant's sentencing enhancements be vacated due to recent statutory changes requiring that the offenses necessary to establish a " 'pattern of criminal gang activity' . . . commonly benefited a criminal street gang, and the common benefit from the offense is more than reputational" (Pen. Code, § 186.22, subd. (e)(1), as amended by Stats. 2021, ch. 699, § 3)?

#22-120 *People v. Reynoza, S273797.* (H047594; 75 Cal.App.5th 181; Santa Clara County Superior Court; C1775222.) Petition for review after the Court of Appeal reversed a judgment of conviction of criminal offenses. This case 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?

#22-121 *In re Adcock, S273486.* (C089547, C089581; nonpublished opinion; Sacramento County Superior Court; 05F01670.) Petition for review after the Court of

Appeal denied a petition for writ of habeas corpus and affirmed an order denying a post-judgment motion in a criminal matter.

#22-122 *People v. Cross, S273847.* (E074380; nonpublished opinion; Riverside County Superior Court; ICR15222.) Petition for review after the Court of Appeal affirmed an order denying a post-judgment motion in a criminal matter.

#22-123 *People v. Ervin, S273782.* (B309740; nonpublished opinion; Los Angeles County Superior Court; NA090280.) Petition for review after the Court of Appeal affirmed an order denying a post-judgment motion in a criminal matter.

#22-124 *People v. Garcia, S273715.* (B307896; nonpublished opinion; Los Angeles County Superior Court; VA070524.) Petition for review after the Court of Appeal reversed an order denying a post-judgment motion in a criminal matter.

#22-125 *People v. Machuca, S273811.* (B305830; nonpublished opinion; Los Angeles County Superior Court; BA048904.) Petition for review after the Court of Appeal reversed an order denying a post-judgment motion in a criminal matter.

#22-126 *People v. Orozco, S273916.* (B306916; nonpublished opinion; Los Angeles County Superior Court; NA090280.) Petition for review after the Court of Appeal reversed an order denying a post-judgment motion in a criminal matter.

#22-127 *People v. Santana, S273918.* (B299353; nonpublished opinion; Los Angeles County Superior Court; TA063973.) Petition for review after the Court of Appeal affirmed an order denying a post-judgment motion in a criminal matter.

#22-128 *People v. Sison, S273898.* (D078552; nonpublished opinion; San Diego County Superior Court; SCE239548.) Petition for review after the Court of Appeal reversed an order denying a post-judgment motion in a criminal matter.

#22-129 *People v. Williams, S273835.* (B303054, B307686; nonpublished opinion; Los Angeles County Superior Court; SA006461.) Petition for review after the Court of Appeal reversed orders denying post-judgment motions in a criminal matter.

The court ordered briefing in *Adcock, Cross, Ervin, Garcia, Machuca, Orozco, Santana, Sison,* and *Williams* 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?

#22-130 *Balistreri v. Balistreri*, S273909. (A162222; 75 Cal.App.5th 511; San Francisco County Superior Court; PTR20303610.) Petition for review after the Court of Appeal affirmed an order in a probate proceeding. The court ordered briefing deferred pending decision in *Haggerty v. Thornton*, S271483 (#21-562), which presents the following issue: Can a trust be modified according to the statutory procedures for revocation of a trust (Prob. Code, § 15401) if the trust instrument itself sets forth identical procedures for modification and revocation?

#22-131 *Melendez v. Westlake Services*, S273414. (B306976; 74 Cal.App.5th 586; Los Angeles County Superior Court; BC722737.) Petition for review after the Court of Appeal affirmed an order awarding attorney fees, costs, expenses, and prejudgment interest in a civil action. The court ordered briefing deferred pending decision in *Pulliam v. HNL Automotive*, S267576 (#21-205), which presents the following issue: Does the word “recovery” as used in the Holder Rule (16 C.F.R. § 433.2) include attorney fees?

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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.