



Supreme Court of California  
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**NEWS RELEASE**

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**FOR IMMEDIATE RELEASE**

May 19, 2023

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## Summary of Cases Accepted and Related Actions During Week of May 15, 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.]*

**#23-93 *Make UC A Good Neighbor v. Regents of University of California*, S279242.** (A165451; 88 Cal.App.5th 656, mod. 88 Cal.App.5th 1293a; Alameda County Superior Court; RG21110142.) Petition for review after the Court of Appeal reversed the judgment in a civil action. This case presents the following issues: (1) Does the California Environmental Quality Act (Pub. Resources Code, § 21000 et seq.) (CEQA) require public agencies to consider as an environmental impact the increased social noise generated by student parties that a student housing project might bring to a community? (2) Under CEQA, when a lead agency has identified potential sites for future development and redevelopment in a programmatic planning document, is the agency required to revisit alternative locations for a proposed site-specific project within the program?

**#23-94 *Stone v. Alameda Health System*, S279137.** (A164021; 88 Cal.App.5th 84; Alameda County Superior Court; RG21092734.) Petition for review after the Court of Appeal affirmed in part and reversed in part an order in a civil action. This case presents the following issues: (1) Are all public entities exempt from the obligations in the Labor Code regarding meal and rest breaks, overtime, and payroll records, or only those public entities that satisfy the “hallmarks of sovereignty” standard adopted by the Court of Appeal in this case? (2) Does the exemption from the prompt payment statutes in Labor Code section 220, subdivision (b), for “employees directly employed by any county, incorporated city, or town or other municipal corporation” include all public entities that exercise governmental functions? (3) Do the civil penalties available under the Private Attorneys General Act of 2004, codified at Labor Code section 2698 et seq., apply to public entities?

**#23-95 *People v. Bejarano*, S279311.** (H047892; nonpublished opinion; Santa Clara County Superior Court; F1554600.) Petition for review after the Court of Appeal modified and affirmed a judgment of conviction of criminal offenses.

**#23-96 *People v. Evans*, S279335.** (B319762; nonpublished opinion; Los Angeles County Superior Court; MA007943.) Petition for review after the Court of Appeal affirmed an order denying a post-judgment motion in a criminal matter.

**#23-97 *People v. Ngo*, S279458.** (E078723; 89 Cal.App.5th 116; San Bernardino County Superior Court; FCH04170.) 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 *Bejarano*, *Evans*, and *Ngo* deferred 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?

**#23-98 *In re D.R.*, S279489.** (B317364; nonpublished opinion; Los Angeles County Superior Court; PJ52824.) Petition for review after the Court of Appeal affirmed in part and reversed in part an order in a juvenile dependency proceeding and remanded for further proceedings.

**#23-99 *People v. Oliva*, S279485.** (E073979; 89 Cal.App.5th 76; San Bernardino County Superior Court; FVI1503175.) 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 in *D.R.* and *Oliva* 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))?

**#23-100 *People v. Gonzalez-Rivas*, S279482.** (C095034; nonpublished opinion; Sacramento County Superior Court; 19FE012600.) Petition for review after the Court of Appeal modified and affirmed a judgment of conviction of criminal offenses.

**#23-101 *People v. Lewis*, S279147.** (E076449; 88 Cal.App.5th 1125; San Bernardino County Superior Court; FSB18002088.) Petition for review after the Court of Appeal modified and affirmed a judgment of conviction of criminal offenses and remanded for resentencing.

**#23-102 *People v. Luna*, S279024.** (F082434, F082309; nonpublished opinion; Madera County Superior Court; MCR066495B; MCR066495A.) Petition for review after the Court of Appeal modified and affirmed a judgment of conviction of criminal offenses.

**#23-103 *People v. Tamariz*, S279280.** (B315223; nonpublished opinion; Los Angeles County Superior Court; LA088067.) Petition for review after the Court of Appeal affirmed a judgment of conviction of criminal offenses.

The court ordered briefing in *Gonzalez-Rivas*, *Lewis*, *Luna*, and *Tamariz* 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)?

**#23-104 *People v. Johnson*, S279198.** (A162599; 88 Cal.App.5th 487; Napa County Superior Court; 19CR003549.) 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 *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?

**#23-105 *People v. Sanchez*, S279423.** (D080380; nonpublished opinion; Riverside County Superior Court; RIF2002495.) Petition for review after the Court of Appeal affirmed an order denying a post-judgment motion in a criminal matter. The court ordered briefing deferred pending decision in *People v. Braden*, S268925 (#21-345), which presents the following issue: What is the latest point at which a defendant may request mental health diversion under Penal Code section 1001.36?

**#23-106 *People v. Sinigur*, S279466.** (C091622; nonpublished opinion; Sacramento County Superior Court; 18FE004949.) 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?

**#23-107 *People v. Smith*, S279425.** (B317264; nonpublished opinion; Los Angeles County Superior Court; BA477602.) 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. 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?

**#23-108 *People v. Towner*, S279107.** (C095094; nonpublished opinion; Sacramento County Superior Court; 20FE004466.) 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. Reynoza*, S273797 (#22-120), which 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?

**#23-109 *People v. Venable*, S279081.** (E071681; nonpublished opinion; San Bernardino County Superior Court; FSB17002517.) 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 deferred pending decisions in *People v. Bankston*, S044739, and *People v. Hin*, S141519, both automatic appeals, which include an issue involving the retroactivity of the provision in Assembly Bill No. 2799 (Stats. 2022, ch. 973) limiting the admissibility of creative *expressions* (*Pen. Code*, § 352.2).

#### DISPOSITIONS

The following cases were transferred for reconsideration in light of *People v. Delgadillo* (2022) 14 Cal.5th 216:

<b>#22-286 <i>People v. Brooks</i>, S276543</b>	(C095912; nonpublished opinion; Placer County Superior Court; 62127722)
<b>#22-314 <i>People v. Chiemwichitra</i>, S276994</b>	(C096201; nonpublished opinion; Shasta County Superior Court; 19F4451)

<b>#21-546 <i>People v. Hernandez</i>, S271531</b>	(E076965; nonpublished opinion; San Bernardino County Superior Court; FWV20001047)
<b>#21-547 <i>People v. Lea</i>, S271082</b>	(C093371; nonpublished opinion; Shasta County Superior Court; 19F1630)
<b>#21-416 <i>People v. Love</i>, S269698</b>	(C092437; nonpublished opinion; Sacramento County Superior Court; 14F06720, 15F06950)
<b>#21-334 <i>People v. Navarro</i>, S269021</b>	(C091909; nonpublished opinion; Siskiyou County Superior Court; MCKYCRF20157062)
<b>#21-27 <i>People v. Parks</i>, S272389</b>	(C092561; nonpublished opinion; Sacramento County Superior Court; 95F08570)
<b>#21-278 <i>People v. Ruffinpatterson</i>, S268248</b>	(E075782; nonpublished order; Riverside County Superior Court; BPR2000103)
<b>#21-148 <i>People v. Seaholm</i>, S266706</b>	(E074875; nonpublished opinion; Riverside County Superior Court; BPR2000051)
<b>#21-507 <i>People v. Slone</i>, S270690</b>	(E075821; nonpublished opinion; San Bernardino County Superior Court; FVI901230)

**#22-245 *Gerro v. Blockfi Lending*, S275530.** The court ordered the case partially dismissed as to defendant Scratch Services, LLC, and remanded with directions to issue the remittitur as to Scratch Services, LLC alone.

**STATUS**

**#22-245 Gerro v. Blockfi Lending, S275530.** The court ordered the case partially dismissed as to defendant Scratch Services, LLC. As to defendant BlockFi Lending Inc., the case remains stayed pending bankruptcy proceedings, as previously ordered.

**#21-521 Taking Offense v. State of California, S270535.** The court requested supplemental briefing on the following issues: (1) Whether California recognizes a common law taxpayer standing doctrine to bring actions against state officials; and (2) If the common law provides taxpayer plaintiffs with standing to sue state officials, whether the plaintiff in this case has established any such standing.

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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.*