



Supreme Court of California
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NEWS RELEASE

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FOR IMMEDIATE RELEASE

May 30, 2025

Summary of Cases Accepted and Related Actions During Week of May 27, 2025

[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.]

#25-146 *Maniago v. Desert Cardiology Consultants' Medical Group, Inc.*, S290188. (D085025; 109 Cal.App.5th 621; Riverside County Superior Court; CVRI2303683.) Petition for review after the Court of Appeal dismissed an appeal in a civil action. The court limited review to the following issue: Is a voluntary dismissal with prejudice an appealable order if it was entered after an adverse ruling by the trial court in order to expedite an appeal of the ruling?

#25-147 *People v. Mataele*, S291019. (G064565; no opinion; Orange County Superior Court; 00NF1347.) Application to transfer cause before decision by the Court of Appeal. This case presents issues relating to the noncapital resentencing of a capital defendant following remand. In addition, the court directed the parties to brief and argue whether this court has exclusive jurisdiction over this appeal, or whether this appeal may be decided by the Court of Appeal. (See Cal. Const., art. VI, § 11, subd. (a); *People v. Coleman* (1991) 53 Cal.3d 949, 951, fn. 1.)

#25-148 *Tesoro Refining & Marketing Co. LLC v. City of Carson*, S289952. (B335686; nonpublished opinion; Los Angeles County Superior Court; 23STCV14351.) Petition for review after the Court of Appeal reversed the judgment in a civil action. This case presents the following issue: Must a claimant for a local government tax refund comply with a local administrative review procedure prior to pursuing its remedies under the Government Claims Act (Gov. Code, § 810 et seq.), or does the Act preempt such a requirement under the doctrine of field preemption?

#25-149 *People v. Aguirre*, S290312. (E083031; nonpublished opinion; Riverside County Superior Court; RIF080926.) Petition for review after the Court of Appeal affirmed an order denying a post-judgment motion in a criminal matter.

#25-150 *People v. Alfaro*, S290235. (G063565; nonpublished opinion; Orange County Superior Court; 18NF0564.) Petition for review after the Court of Appeal reversed an order denying a post-judgment motion in a criminal matter and remanded for resentencing.

#25-151 *People v. Avery*, S290322. (B331967; nonpublished opinion; Los Angeles County Superior Court; VA062824.) Petition for review after the Court of Appeal reversed an order granting in part and denying in part a post-judgment motion in a criminal matter and remanded for resentencing.

#25-152 *People v. Canter*, S290360. (G063551; nonpublished opinion; Orange County Superior Court; 10WF2706.) Petition for review after the Court of Appeal reversed an order denying a post-judgment motion in a criminal matter and remanded for resentencing.

#25-153 *People v. Cephus*, S290363. (G063542; nonpublished opinion; Orange County Superior Court; 13NF3319.) Petition for review after the Court of Appeal reversed an order denying a post-judgment motion in a criminal matter and remanded for resentencing.

#25-154 *People v. Collins*, S290342. (G063537; nonpublished opinion; Orange County Superior Court; 13NF3319.) Petition for review after the Court of Appeal reversed an order denying a post-judgment motion in a criminal matter and remanded for resentencing.

#25-155 *People v. Cortez*, S290007. (G063801; nonpublished opinion; Orange County Superior Court; 07WF1609.) Petition for review after the Court of Appeal reversed an order denying a post-judgment motion in a criminal matter and remanded for resentencing.

#25-156 *People v. Echard*, S290029. (G063570, G062890; nonpublished opinion; Orange County Superior Court; 11NF2167.) Petition for review after the Court of Appeal reversed an order denying a post-judgment motion in a criminal matter and remanded for resentencing.

#25-157 *People v. Guerrero*, S290371. (E083231; nonpublished opinion; Riverside County Superior Court; RIF1203580.) Petition for review after the Court of Appeal affirmed a post-judgment order in a criminal matter.

#25-158 *People v. Jackson*, S290304. (B336238; nonpublished opinion; Los Angeles County Superior Court; BA432044.) Petition for review after the Court of Appeal reversed an order denying a post-judgment motion in a criminal matter and remanded for resentencing.

#25-159 *People v. Johns*, S290222. (A169599; nonpublished opinion; Sonoma County Superior Court; SCR7082081.) Petition for review after the Court of Appeal reversed an order denying a post-judgment motion in a criminal matter and remanded for resentencing.

#25-160 *People v. Lamb*, S290446. (G063640; nonpublished opinion; Orange County Superior Court; 15WF0905.) Petition for review after the Court of Appeal reversed an order denying a post-judgment motion in a criminal matter and remanded for resentencing.

#25-161 *People v. Monarrez*, S289982. (G063657; nonpublished opinion; Orange County Superior Court; 96NF1712.) Petition for review after the Court of Appeal reversed a post-judgment order in a criminal matter and remanded for resentencing.

#25-162 *People v. Moreno*, S290084. (D083600; nonpublished opinion; Riverside County Superior Court; SWF008909.) Petition for review after the Court of Appeal reversed an order denying a post-judgment motion in a criminal matter and remanded for resentencing.

#25-163 *People v. Navarro*, S290268. (H051272; nonpublished opinion; Santa Clara County Superior Court; F1556292.) Petition for review after the Court of Appeal reversed an order denying a post-judgment motion in a criminal matter and remanded for resentencing.

#25-164 *People v. Orozco*, S289892. (G063545; nonpublished opinion; Orange County Superior Court; 17NF2543.) Petition for review after the Court of Appeal reversed an order denying a post-judgment motion in a criminal matter and remanded for resentencing.

#25-165 *People v. Orozco*, S290069. (G063769; nonpublished opinion; Orange County Superior Court; 16CF2201.) Petition for review after the Court of Appeal reversed an order denying a post-judgment motion in a criminal matter and remanded for resentencing.

#25-166 *People v. Osuna*, S289839. (B336350; nonpublished opinion; Los Angeles County Superior Court; KA033089.) Petition for review after the Court of Appeal reversed a post-judgment order in a criminal matter and remanded for resentencing.

#25-167 *People v. Peace*, S290317. (E083071; nonpublished opinion; Riverside County Superior Court; RIF74466.) Petition for review after the Court of Appeal affirmed a post-judgment order in a criminal matter.

#25-168 *People v. Pollard*, S290251. (B335945; nonpublished opinion; Los Angeles County Superior Court; GA074222.) Petition for review after the Court of Appeal reversed an order denying a post-judgment motion in a criminal matter and remanded for resentencing.

#25-169 *People v. Salazar*, S290349. (G063659; nonpublished opinion; Orange County Superior Court; 97NF2516.) Petition for review after the Court of Appeal reversed an order denying a post-judgment motion in a criminal matter and remanded for resentencing.

#25-170 *People v. Terrazas*, S290347. (G063741; nonpublished opinion; Orange County Superior Court; 10NF1273.) Petition for review after the Court of Appeal reversed an order denying a post-judgment motion in a criminal matter and remanded for resentencing.

#25-171 *People v. Trantum*, S290454. (E082901; nonpublished opinion; Riverside County Superior Court; INF1700752.) Petition for review after the Court of Appeal affirmed an order denying a post-judgment motion in a criminal matter.

#25-172 *People v. Vega-Sanchez*, S290338. (E082892; nonpublished opinion; Riverside County Superior Court; RIF1204066.) Petition for review after the Court of Appeal modified and affirmed a post-judgment order in a criminal matter.

#25-173 *People v. Williams*, S290324. (B336359, B332286; nonpublished opinion; Los Angeles County Superior Court; VA070560, BA245618.) Petition for review after the Court of Appeal reversed a post-judgment order in a criminal matter and remanded for resentencing.

The court ordered briefing in *Aguirre, Alfaro, Avery, Canter, Cephus, Collins, Cortez, Echard, Guerrero, Jackson, Johns, Lamb, Monarrez, Moreno, Navarro*, both *Orozco* cases, *Osuna, Peace, Pollard, Salazar, Terrazas, Trantum, Vega-Sanchez*, and *Williams* deferred pending decision in *People v. Rhodius*, S283169 (#24-34), which presents the following issue: Does Senate Bill No. 483 (Stats. 2021, ch. 728) entitle a defendant to a full resentencing hearing under Penal Code section 1172.75 if the defendant's prior prison term enhancements (Pen. Code, § 667.5, subd. (b)) were imposed and stayed, rather than imposed and executed?

#25-174 *People v. Amos*, S290357. (A169358; nonpublished opinion; Contra Costa County Superior Court; 059105958.) 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. Morris*, S284751 (#24-132), which presents the following issue: Did the trial court correctly deny defendant's Penal Code section 1172.6 resentencing petition at the prima facie stage on the ground that the actus reus of first degree felony murder requires that a defendant who is not the actual killer need only aid in the underlying felony and not in the killing itself (Pen. Code, § 189, subd. (e)(2))?

#25-175 *People v. Hatch*, S289927. (F087272; nonpublished opinion; Kern County Superior Court; DF012584A.) Petition for review after the Court of Appeal remanded for recalculation of presentence credits, and otherwise affirmed an order granting in part and denying in part a post-judgment motion in a criminal matter. The court ordered briefing deferred pending decision in *People v. Eaton*, S289903 (#25-129), which presents the following issue: May a trial court reimpose a previously imposed upper term sentence under Penal Code section 1172.75, subdivision (d)(4) where the facts underlying one or more aggravating circumstances were neither stipulated to by the defendant nor found true beyond a reasonable doubt at trial by the jury or by the judge in a court trial (cf. Pen. Code, § 1170, subd. (b)(2); *id.*, § 1172.75, subd. (d)(2))? and 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?

#25-176 *People v. Moore*, S290294. (B335384; nonpublished opinion; Los Angeles County Superior Court; MA065051.) Petition for review after the Court of Appeal remanded for recalculation of presentence credits and otherwise affirmed a post-judgment order in a criminal matter. The court ordered briefing deferred pending decision in *People v. Eaton*, S289903 (#25-129), which presents the following issue: May a trial court reimpose a previously imposed upper term sentence under Penal Code section 1172.75, subdivision (d)(4) where the facts underlying one or more aggravating circumstances were neither stipulated to by the defendant nor found true beyond a reasonable doubt at trial by the jury or by the judge in a court trial (cf. Pen. Code, § 1170, subd. (b)(2); *id.*, § 1172.75, subd. (d)(2))?

#25-177 *Yazdi v. San Diego County Credit Union*, S290233. (D083835; nonpublished opinion; San Diego County Superior Court; 37-2021-00053145-CU-WT-CTL.) Petition for review after the Court of Appeal affirmed an order in a civil action. The court ordered briefing deferred pending decision in *Hohenshelt v. Superior Court*, S284498 (#24-98), which presents the following issue: Does the Federal Arbitration Act (9 U.S.C. § 1 et seq.) preempt state statutes prescribing the procedures for paying arbitration fees

and providing for forfeiture of the right to arbitrate if timely payment is not made by the party who drafted the arbitration agreement and who is required to pay such fees?

DISPOSITIONS

The following cases were transferred for reconsideration in light of *People v. Lynch* (2024) 16 Cal.5th 730 and *Erlinger v. United States* (2024) 602 U.S. 821:

#24-66 <i>People v. Boyd</i>, S284083	(F085425; nonpublished opinion; Fresno County Superior Court; F18904018)
#24-113 <i>People v. Power</i>, S284685	(F084793; nonpublished opinion; Kern County Superior Court; BF176741A)
#23-80 <i>People v. Spratt</i>, S278714	(C095526; nonpublished opinion; Sacramento County Superior Court; 19FE006377)

The following case was transferred for reconsideration in light of *People v. Lynch* (2024) 16 Cal.5th 730 and *People v. Salazar* (2023) 15 Cal.5th 416:

#21-447 <i>People v. Graham</i>, S269509	(B300167; 64 Cal.App.5th 827 [non-citable]; Los Angeles County Superior Court; BA464605)
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The following case was severed as to defendants Arthur Lee Lewis and Daniel Dequan Gordon; review was dismissed as to defendant Lewis, and the matter was transferred for reconsideration in light of *People v. Lynch* (2024) 16 Cal.5th 730 as to defendant Gordon:

#22-251 <i>People v. Lewis</i>, S275635	(B306777, B310252; nonpublished opinion; Los Angeles County Superior Court; TA146087)
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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.