



Supreme Court of California
350 McAllister Street, San Francisco, CA 94102-4797
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NEWS RELEASE

Contact: [Merrill Balassone](mailto:Merrill.Balassone@courts.ca.gov), 415-865-7740

FOR IMMEDIATE RELEASE

May 31, 2024

Summary of Cases Accepted and Related Actions During Week of May 28, 2024

[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.]

#24-86 *People v. Dain*, S283924. (A168286; 99 Cal.App.5th 399; Sonoma County Superior Court; SCR7090531.) Petition for review after the Court of Appeal reversed an order granting a motion in a criminal matter and remanded for further proceedings. The court limited review to the following issue: Did the Court of Appeal err in remanding the case with directions to reinstate the strike finding and to resentence defendant as a person who has suffered a prior strike conviction under the Three Strikes Law? (See *People v. Williams* (1998) 17 Cal.4th 148, 164, fn. 7; see also *People v. McGlothin* (1998) 67 Cal.App.4th 468, 478; *People v. Humphrey* (1997) 58 Cal.App.4th 809, 814; but see *People v. Mayfield* (2020) 50 Cal.App.5th 1096, 1109; *People v. Strong* (2001) 87 Cal.App.4th 328, 347.)

#24-87 *People v. Montgomery*, S284662. (A167813; 100 Cal.App.5th 768; Solano County Superior Court; FCR330516.) Petition for review after the Court of Appeal reversed an order denying a post-judgment motion in a criminal matter and remanded for further proceedings. This case presents the following issue: Is the prosecution entitled to rescind a plea agreement when a defendant receives a full resentencing pursuant to Senate Bill No. 483 (Stats. 2021, ch. 728) and the trial court intends to reduce the sentence beyond eliminating the prior prison term enhancements (Pen. Code, § 667.5, subd. (b))?

#24-88 *People v. Aiello*, S284601. (C096502; nonpublished opinion; El Dorado County Superior Court; 22CR0083.) Petition for review after the Court of Appeal modified and affirmed a judgment of conviction of criminal offenses. 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 (Evid. Code, § 352.2).

#24-89 *People v. Andrews*, S284631. (A167801; nonpublished opinion; Contra Costa County Superior Court; 012201567.) Petition for review after the Court of Appeal affirmed an order for restitution in a criminal action.

#24-90 *People v. Escobar*, S284401. (B327727; nonpublished opinion; Los Angeles County Superior Court; VA149861.) Petition for review after the Court of Appeal affirmed an order for restitution in a criminal action.

The court ordered briefing in *Andrews* and *Escobar* deferred pending decision in *People v. McCune*, S276303 (#22-280), which presents the following issue: Did the trial court exceed its jurisdiction by setting the amount of victim restitution after terminating defendant's probation pursuant to Assembly Bill No. 1950 (Stats. 2020, ch. 328)?

#24-91 *Davis v. Nissan North America*, S284697. (D083006; 100 Cal.App.5th 825; Riverside County Superior Court; CVRI2203733.) Petition for review after the Court of Appeal affirmed an order denying a motion to compel arbitration. The court ordered briefing deferred pending decision in *Ford Motor Warranty Cases*, S279969 (#23-148), which presents the following issue: Do manufacturers' express or implied warranties that accompany a vehicle at the time of sale constitute obligations arising from the sale contract, permitting manufacturers to enforce an arbitration agreement in the contract pursuant to equitable estoppel?

#24-92 *People v. Hernandez*, S284679. (E079739; nonpublished opinion; San Bernardino County Superior Court; FVA11276.) Petition for review after the Court of Appeal affirmed an order denying a post-judgment motion in a criminal matter.

#24-93 *People v. Tran*, S284690. (G061913; nonpublished opinion; Orange County Superior Court; 94SF0646.) 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 *Hernandez* and *Tran* deferred pending decision in *In re Hernandez*, S282186 (#23-261), which presents the following issue: Does the totality of the circumstances establish that defendant meaningfully understood the immigration consequences of her plea?

#24-94 *People v. Kennedy*, S284688. (B324835; nonpublished opinion; Los Angeles County Superior Court; NA092421.) 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. Lopez*, S281488 (#23-218), which presents the following issue: Is defendant entitled to retroactive application of Assembly Bill No. 333 (2021–2022 Reg. Sess.) where he appeals for a second time after his judgment was conditionally reversed and the Court of Appeal issued a limited remand to the trial court to address sentencing issues?

#24-95 *People v. Martin*, S284724. (B327562; nonpublished opinion; Santa Barbara County Superior Court; 1350270.) 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 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?

#24-96 *In re Ryder S.*, S284423. (B330204; nonpublished opinion; Los Angeles County Superior Court; 22CCJP01821.) Petition for review after the Court of Appeal affirmed an order in a juvenile 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?

#24-97 *People v. Santos*, S284341. (C096979; 100 Cal.App.5th 666; Shasta County Superior Court; 03F6857.) Petition for review after the Court of Appeal 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. Superior Court (Guevara)*, S283305 (#24-50), which presents the following issue: Do the revised penalty provisions of the Three Strikes Reform Act of 2012 (Pen. Code, § 1170.12) apply when a defendant is resentenced pursuant to Senate Bill No. 483 (Pen. Code, § 1172.75)?

DISPOSITIONS

The following case was transferred for reconsideration in light of *People v. Clark* (2024) 15 Cal.5th 743 and *People v. Cooper* (2023) 14 Cal.5th 735:

#23-140 <i>People v. Hamilton</i>, S280094	(B319268; nonpublished opinion; Los Angeles County Superior Court; BA381749)
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The following case was transferred for reconsideration in light of *People v. Clark* (2024) 15 Cal.5th 743:

#23-84 <i>People v. Jordan</i>, S279197	(C092147; nonpublished opinion; San Joaquin County Superior Court; STKCRFE20180006959)
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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.