



Supreme Court of California
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NEWS RELEASE

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FOR IMMEDIATE RELEASE

June 2, 2023

Summary of Cases Accepted and Related Actions During Week of May 30, 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.]

#23-110 *Naranjo v. Spectrum Security Services, Inc.*, S279397. (B256232; 88 Cal.App.5th 937; Los Angeles County Superior Court; BC372146.) Petition for review after the Court of Appeal affirmed in part and reversed in part the judgment in a civil action. This case presents the following issue: Does an employer’s good faith belief that it complied with Labor Code section 226, subdivision (a) preclude a finding that its failure to report wages earned was “knowing and intentional” as is necessary to recover penalties under Labor Code section 226, subdivision (e)(1)?

#23-111 *People v. Butler*, S279633. (E078235; 89 Cal.App.5th 953; San Bernardino County Superior Court; FVI20003519.) Petition for review after the Court of Appeal remanded for resentencing and otherwise affirmed a judgment of conviction of criminal offenses.

#23-112 *People v. Cole*, S279683. (B316819; nonpublished opinion; Los Angeles County Superior Court; BA492587.) Petition for review after the Court of Appeal affirmed a judgment of conviction of criminal offenses.

The court ordered briefing in *Butler* and *Cole* 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)?

#23-113 *People v. Lopez*, S279685. (A164096; nonpublished opinion; Sonoma County Superior Court; SCR5387451.) 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. Salazar*, S275788 (#22-264), which presents the following issue:

Did the Court of Appeal err by finding the record clearly indicates the trial court would not have imposed a low term sentence if it had been fully aware of its discretion under newly-added subdivision (b)(6) of Penal Code section 1170? (See *People v. Gutierrez* (2014) 58 Cal.4th 1354, 1391.)

#23-114 *People v. Reyes*, S279727. (G061334; nonpublished opinion; Orange County Superior Court; 05WF3659.) 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. The court ordered briefing deferred pending decision in *People v. Curiel*, S272238 (#22-23), which presents the following issue: Does a jury's true finding on a gang-murder special circumstance (Pen. Code, § 190.2, subd. (a)(22)) preclude a defendant from making a prima facie showing of eligibility for resentencing under Penal Code section 1170.95?

#23-115 *People v. Tovar*, S279613. (F082662; nonpublished opinion; Stanislaus County Superior Court; CR-18-001361.) 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?

#23-116 *People v. Wilson*, S279278. (B322501; nonpublished opinion; Riverside County Superior Court; INF1500163.) Petitions for review after the Court of Appeal affirmed in part and reversed in part judgments of conviction of criminal offenses and remanded for further proceedings. The court ordered briefing 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?

DISPOSITIONS

Review in the following cases, which were granted and held for *People v. Espinoza* (2023) 14 Cal.5th 311, was dismissed:

#21-559 <i>People v. Bravo</i>, S271782	(E072782; 69 Cal.App.5th 1063; Riverside County Superior Court; RIF75184)
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#22-164 <i>People v. Diaz</i>, S274129	(B307726; 76 Cal.App.5th 102; Los Angeles County Superior Court; A042932)
#22-312 <i>People v. Mbugua</i>, S276914	(B314153; nonpublished opinion; Los Angeles County Superior Court; A774712)
#22-201 <i>People v. Valadez</i>, S274828	(F080618; nonpublished opinion; Tulare County Superior Court; VCF032321B)

The following cases were transferred for reconsideration in light of *People v. Espinoza* (2023) 14 Cal.5th 311:

#21-513 <i>In re Hernandez</i>, S270972	(F076752; nonpublished opinion; Kern County Superior Court; BF150639A, HC15330A)
#22-255 <i>People v. Cabrera</i>, S275569	(B314954; nonpublished opinion; Los Angeles County Superior Court; BA115599)
#22-235 <i>People v. Cardona</i>, S275319	(B308787; nonpublished opinion; Los Angeles County Superior Court; VA087926)
#22-99 <i>People v. Cesena</i>, S273455	(E076213; nonpublished opinion; San Bernardino County Superior Court; FWV17002606)
#21-498 <i>People v. Chweya</i>, S270812	(B301780; nonpublished opinion; Los Angeles County Superior Court; VA093880)
#22-184 <i>People v. Gomez</i>, S274715	(E075214; nonpublished opinion; San Bernardino County Superior Court; FVI02462)

#21-505 <i>People v. Parra</i> , S270904	(B309749; nonpublished opinion; Los Angeles County Superior Court; NA003695)
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The following cases were transferred for reconsideration in light of *People v. Delgadillo* (2022) 14 Cal.5th 216:

#21-223 <i>People v. Figueras</i> , S267870	(C089228; 61 Cal.App.5th 108 [non-citable]; San Joaquin County Superior Court; STKCRCNV19980016801, SP063761A)
#21-154 <i>People v. Ramirez</i> , S267182	(C091845; 60 Cal.App.5th 163 [non-citable]; Tehama County Superior Court; NCR91608)
#22-203 <i>People v. Weisner</i> , S274617	(C095039; 77 Cal.App.5th 1072 [non-citable]; San Joaquin County Superior Court; LODCRFE20170002477)

The following case was transferred for reconsideration in light of *People v. Delgadillo* (2022) 14 Cal.5th 216 and Assembly Bill No. 1540 (Stats. 2021, ch. 719):

#22-67 <i>People v. Robinson</i> , S272815	(C092166; nonpublished opinion; Yolo County Superior Court; CRF956265)
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The following cases were transferred for reconsideration in light of *In re Lopez* (2023) 14 Cal.5th 562:

#22-209 <i>People v. Corder</i> , S274705	(B261370; nonpublished opinion; Los Angeles County Superior Court; PA073839)
#22-274 <i>People v. Lubrin</i> , S276249	(G060424; nonpublished opinion; Santa Clara County Superior Court; C1519377)

Review in the following case, which was granted and held for *In re Lopez* (2023) 14 Cal.5th 562, was dismissed:

#22-212 <i>People v. Glukhoy</i>, S274792	(C084169; 77 Cal.App.5th 576; Placer County Superior Court; 62129389B, 62129389C)
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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.