



Supreme Court of California
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NEWS RELEASE

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FOR IMMEDIATE RELEASE

June 17, 2022

Summary of Cases Accepted and Related Actions During Week of June 13, 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.]

#22-157 *Himes v. Somatics, LLC, S273887.* (9th Cir. No. 21-55517; 29 F.4th 1125; Central District of California; D.C. No. 2:17-cv-06686-RGK-JC.) Request under California Rules of Court, rule 8.548, that this court decide questions of California law presented in a matter pending in the United States Court of Appeals for the Ninth Circuit. The questions presented are: “Under California law, in a claim against a manufacturer of a medical product for a failure to warn of a risk, is the plaintiff required to show that a stronger risk warning would have altered the physician’s decision to prescribe the product? Or may the plaintiff establish causation by showing that the physician would have communicated the stronger risk warnings to the plaintiff, either in [] patient consent disclosures or otherwise, and a prudent person in the patient’s position would have declined the treatment after receiving the stronger risk warning?”

#22-158 *Meinhardt v. City of Sunnyvale, S274147.* (D079451; 76 Cal.App.5th 43; Santa Clara County Superior Court; 19CV346911.) Petition for review after the Court of Appeal dismissed an appeal from the judgment in an action for writ of administrative mandate. The court limited review to the following issue: Did the Court of Appeal correctly dismiss the appeal as untimely?

#22-159 *People v. Barragan, S274350.* (C093651; nonpublished opinion; San Joaquin County Superior Court; STKCRFE20020009689, SF087807D.) Petition for review after the Court of Appeal affirmed an order denying a post-judgment motion in a criminal matter.

#22-160 *People v. Ketsouvannasane, S274237.* (E076512; nonpublished opinion; Riverside County Superior Court; CR57988.) Petition for review after the Court of Appeal affirmed an order denying a post-judgment motion in a criminal matter.

#22-161 *People v. Martinez, S274017.* (C093077; nonpublished opinion; Sacramento County Superior Court; 09F04716.) Petition for review after the Court of Appeal affirmed an order denying a post-judgment motion in a criminal matter.

#22-162 *People v. Mello, S274207.* (E077039; nonpublished opinion; Riverside County Superior Court; CR27819.) Petition for review after the Court of Appeal affirmed an order denying a post-judgment motion in a criminal matter.

#22-163 *People v. Miller, S274509.* (H048932; nonpublished opinion; Santa Clara County Superior Court; 150722.) Petition for review after the Court of Appeal reversed an order denying a post-judgment motion in a criminal matter.

The court ordered briefing in *Barragan, Ketsouvannasane, Martinez, Mello, and Miller* 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?

#22-164 *People v. Diaz, S274129.* (B307726; 76 Cal.App.5th 102; Los Angeles County Superior Court; A042932.) 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. Espinoza*, S269647 (#21-453), which presents the following issue: Did the Court of Appeal err in ruling that defendant failed to adequately corroborate his claim that immigration consequences were a paramount concern and thus that he could not demonstrate prejudice within the meaning of Penal Code section 1473.7?

#22-165 *People v. Gonzalez, S274324.* (F080555; nonpublished opinion; Tulare County Superior Court; VCF212472B.) Petition for review after the Court of Appeal affirmed an order denying a post-judgment motion in a criminal matter.

#22-166 *People v. Guadarrama, S274405.* (G059643; nonpublished opinion; Orange County Superior Court; 08ZF0020.) Petition for review after the Court of Appeal reversed an order denying a post-judgment motion in a criminal matter.

The court ordered briefing in *Gonzalez* and *Guadarrama* deferred pending decision in *People v. Curiel*, S272238 (#21-23), 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?

#22-167 *People v. Ogura, S274167.* (B303322; nonpublished opinion; Los Angeles County Superior Court; KA089210.) Petition for review after the Court of Appeal affirmed in part and reversed in part an order granting a post-judgment motion in a criminal matter. The court ordered briefing deferred pending finality of the decision in *People v. Padilla* (May 26, 2022, S263375) __ Cal.5th __.

#22-168 *People v. Sanchez, S274153.* (F077527; nonpublished opinion; Kern County Superior Court; SF018769A.) Petition for review after the Court of Appeal 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?

#22-169 *People v. Taylor, S274478.* (H048140; nonpublished order; Santa Clara County Superior Court; 75468.) Petition for review after the Court of Appeal dismissed an appeal from an order denying a post-judgment motion in a criminal matter. The court ordered briefing deferred pending decision in *People v. Delgadillo*, S266305 (#21-72), which presents the following issues: (1) What procedures must appointed counsel and the Courts of Appeal follow when counsel determines that an appeal from an order denying postconviction relief lacks arguable merit? (2) Are defendants entitled to notice of these procedures?

SEPARATE STATEMENT ON DENIAL OF REVIEW

In re Flores, S273785. (C089974; nonpublished opinion; Sacramento County Superior Court; 18HC00046.) Petition for review after the Court of Appeal reversed an order granting relief on a petition for writ of habeas corpus and remanded with directions.

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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.