



Supreme Court of California
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NEWS RELEASE

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FOR IMMEDIATE RELEASE

June 30, 2023

Summary of Cases Accepted and Related Actions During Week of June 26, 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.]

#23-128 *Castellanos v. State of California*, S279622. (A163655; 89 Cal.App.5th 131, mod. 90 Cal.App.5th 84a; Alameda County Superior Court; RG21088725.) Petition for review after the Court of Appeal affirmed in part and reversed in part the judgment in an action for writ of mandate. This case presents the following issue: Is Proposition 22 (the “Protect App-Based Drivers and Services Act”) invalid because it conflicts with article XIV, section 4 of the California Constitution?

#23-129 *People v. Patton*, S279670. (B320352; 89 Cal.App.5th 649; Los Angeles County Superior Court; TA144611.) Petition for review after the Court of Appeal affirmed an order denying a post-judgment motion in a criminal matter. This case presents the following issue: Did the trial court engage in impermissible judicial factfinding by relying on the preliminary hearing transcript to deny defendant’s Penal Code section 1172.6 petition at the prima facie stage? (See *People v. Lewis* (2021) 11 Cal.5th 952.)

#23-130 *People v. Didyavong*, S280047. (D079712; 90 Cal.App.5th 85; San Diego County Superior Court; SCD142894.) 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. Reyes*, S270723 (#21-509), which presents the following issues: (1) Does substantial evidence support the conclusion that petitioner acted with implied malice? (2) Does substantial evidence support the conclusion that petitioner’s actions constituted murder or aided and abetted murder?

#23-131 *People v. Radillo*, S280054. (F083848; nonpublished opinion; Merced County Superior Court; 15CR-06414.) 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. 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)?

#23-132 *People v. Roberts*, S280199. (C095697; nonpublished opinion; Shasta County Superior Court; 19F3366.) Petition for review after the Court of Appeal affirmed an order revoking probation in a criminal matter. 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?

#23-133 *People v. Yzarraz*, S280178. (D080924; nonpublished opinion; Riverside County Superior Court; RIF2000713.) 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.)

DISPOSITIONS

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

#20-318 <i>People v. Grissom</i>, S264576	(B303540; nonpublished opinion; Los Angeles County Superior Court; YA026000)
#21-121 <i>People v. Humphrey</i>, S266647	(C091069; nonpublished opinion; Sacramento County Superior Court; 02F02888)
#20-240 <i>People v. Jones</i>, S263563	(C090013; nonpublished order; San Joaquin County Superior Court; STKCR CNV19980016791)

#21-268 <i>People v. Mendoza</i>, S268368	(C090449; nonpublished opinion; San Joaquin County Superior Court; STKCRFE19930005468, SC055414B)
#21-59 <i>People v. Taylor</i>, S265791	(B306134; nonpublished opinion; Los Angeles County Superior Court; TA115410)
#20-324 <i>People v. Teague</i>, S264590	(B303706; nonpublished opinion; Los Angeles County Superior Court; TA024803)

The following cases were transferred for reconsideration in light of *People v. Delgadillo* (2022) 14 Cal.5th 216 and *People v. Lewis* (2021) 11 Cal.5th 952:

#21-43 <i>People v. Puebla</i>, S265851	(B299620; nonpublished opinion; Los Angeles County Superior Court; PA028402)
#21-202 <i>People v. Walker</i>, S267722	(B306625; nonpublished opinion; Los Angeles County Superior Court; GA071076)
#20-236 <i>People v. Windham</i>, S263030	(H047278; nonpublished opinion; Monterey County Superior Court; MCR4493)

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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.