



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

July 12, 2024

Summary of Cases Accepted and Related Actions During Week of July 8, 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.]

#24-119 *In re Spielbauer on Discipline*, S283172. (___State Bar Court __; State Bar Ct. No. 19-O-30700.) Petitions for review after a State Bar Court recommendation of discipline of an attorney. This case presents the following issue: If a victim of attorney misconduct suffers damages recoverable in tort and incurs attorney fees as a result of the misconduct, under what circumstances may the State Bar Court order restitution based on such damages and fees as a condition of the attorney's probation? (See *Sorensen v. State Bar* (1991) 52 Cal.3d 1036.)

#24-120 *People v. Athwal*, S285361. (F084358; nonpublished opinion; Madera County Superior Court; MCR058031B.) Petition for review after the Court of Appeal affirmed a judgment of conviction of a criminal offense.

#24-121 *People v. Ramsey*, S285039. (F085888; nonpublished opinion; Madera County Superior Court; MCR056744A.) Petition for review after the Court of Appeal affirmed an order denying a post-judgment motion in a criminal matter.

#24-122 *People v. Resendez*, S285061. (B317630; nonpublished opinion; Los Angeles County Superior Court; VA087669.) 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 *Athwal*, *Ramsey*, and *Resendez* deferred pending decision in *People v. Emanuel*, S280551 (#23-174), which presents the following issue: Does sufficient evidence support the trial court's finding that defendant acted with reckless indifference to human life and therefore was ineligible for resentencing pursuant to Penal Code section 1172.6?

#24-123 *People v. Branks*, S285110. (A166571; nonpublished opinion; Napa County Superior Court; 18CR004041.) Petition for review after the Court of Appeal affirmed a judgment of conviction of criminal offenses.

#24-124 *People v. Diaz*, S285158. (B327446; nonpublished opinion; Los Angeles County Superior Court; KA113304.) Petition for review after the Court of Appeal reversed a judgment of conviction of criminal offenses and remanded for further proceedings.

#24-125 *People v. Pruitt*, S285346. (C097890; nonpublished opinion; Sacramento County Superior Court; 10F06215.) Petition for review after the Court of Appeal affirmed an order granting a petition to recall sentence.

#24-126 *People v. Scott*, S285274. (B329087; nonpublished opinion; Los Angeles County Superior Court; YA029914.) 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 and remanded for further proceedings.

The court ordered briefing in *Branks*, *Diaz*, *Pruitt*, and *Scott* deferred pending decision in *People v. Walker*, S278309 (#23-50), which presents the following issue: Does the amendment to Penal Code section 1385, subdivision (c) that requires trial courts to “afford great weight” to enumerated mitigating circumstances (Stats. 2021, ch. 721) create a rebuttable presumption in favor of dismissing an enhancement unless the trial court finds dismissal would endanger public safety?

#24-127 *People v. Cunningham*, S285205. (B323640; 101 Cal.App.5th 678; Ventura County Superior Court; CR37135.) 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. Antonelli*, S281599 (#23-203), which presents the following issues: (1) Is defendant entitled to resentencing pursuant to Penal Code section 1172.6 on the ground that malice could be imputed to the defendant under the provocative act theory of murder for convictions occurring before 2009 (see Sen. Bill No. 775 (2021–2022 Reg. Sess.); *People v. Concha* (2009) 47 Cal.4th 653)? (2) Did the trial court err by not considering the jury instructions in determining defendant was ineligible for resentencing as a matter of law for a provocative act murder?

#24-128 *Doe v. Lawyers for Employee and Consumer Rights, APC*, S284810. (B330052; nonpublished opinion; Ventura County Superior Court; 56-2022-00573119-CU-WT-VTA.) 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?

#24-129 *In re M.R.*, S285329. (B331295; nonpublished opinion; Los Angeles County Superior Court; 22CCJP00891A.) Petition for review after the Court of Appeal affirmed an order in a juvenile dependency 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?

#24-130 *People v. Myles*, S285365. (D081760; nonpublished opinion; San Bernardino County Superior Court; FSB20004179.) Petition for review after the Court of Appeal affirmed a judgment of conviction of a criminal offense. 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).

#24-131 *People v. Vasquez*, S284742. (B324727; nonpublished opinion; Los Angeles County Superior Court; BA444044.) 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. Patton*, S279670 (#23-129), which 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.)

SEPARATE STATEMENT ON DENIAL OF REVIEW

People v. Newson, S284695. (D082242; nonpublished opinion; San Bernardino County Superior Court; FSB1303213.) 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.

DISPOSITIONS

Review in the following cases, which were granted and held for *Another Planet Entertainment, LLC v. Vigilant Ins. Co.* (2024) 15 Cal.5th 1106, was dismissed:

#23-251 <i>Endeavor Operating Co., LLC v. HDI Global Ins. Co.</i>, S282533	(B323865; 96 Cal.App.5th 420; Los Angeles County Superior Court; 21STCV23693)
#23-145 <i>Santa Ynez Band of Chumash Mission Indians of the Santa Ynez Reservation California v. Lexington Ins. Co.</i>, S280353	(B320834; 90 Cal.App.5th 1064; Santa Barbara County Superior Court; 20CV01967)

The following cases were transferred for reconsideration in light of *Another Planet Entertainment, LLC v. Vigilant Ins. Co.* (2024) 15 Cal.5th 1106:

#23-265 <i>JRK Property Holdings, Inc. v. Colony Ins. Co.</i>, S282657	(B321806; 96 Cal.App.5th 1 [non-citable]; Los Angeles County Superior Court; 21STCV19983)
#23-79 <i>Shusha, Inc. v. Century-National Ins. Co.</i>, S278614	(B313907; 87 Cal.App.5th 250 [non-citable]; Los Angeles County Superior Court; 20STCV25769)

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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.