



Supreme Court of California  
350 McAllister Street, San Francisco, CA 94102-4797  
[www.courts.ca.gov/supremecourt](http://www.courts.ca.gov/supremecourt)

**NEWS RELEASE**

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

**FOR IMMEDIATE RELEASE**

July 14, 2023

---

## Summary of Cases Accepted and Related Actions During Week of July 10, 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.]*

**#23-134 *Crescent Trust v. City of Oakland*, S280234.** (A162465; 90 Cal.App.5th 805, mod. 91 Cal.App.5th 850; Alameda County Superior Court; RG20068131.) Petition for review after the Court of Appeal reversed the judgment in an action for writ of mandate. This case presents the following issue: Is a pre-1972 conveyance by a single deed of a group of fewer than five contiguous lots that are separately described in the deed by reference to lot numbers on a pre-1893 survey map a “division” of land that “creates” an individual lawful lot for each of the separately described lots in the single deed under the conclusive presumption set forth in Government Code section 66412.6, subdivision (a) of the Subdivision Map Act?

**#23-135 *Olympic & Georgia Partners, LLC v. County of Los Angeles*, S280000.** (B312862; 90 Cal.App.5th 100; Los Angeles County Superior Court; BC707591.) 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 issues: (1) Is income from a hotel occupancy tax rebate an intangible asset exempt from property taxation? (2) Is a “key money” deposit that a hotel received from its management companies at the onset of their contractual relationship exempt from property taxation? (3) Were certain other hotel enterprise assets properly valued for taxation purposes?

**#23-136 *People v. Billings*, S280300.** (F084844; nonpublished opinion; Fresno County Superior Court; F19904880.) 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. 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?

**#23-137 *People v. Burgess*, S280162.** (C095650; nonpublished opinion; San Joaquin County Superior Court; STKCRFDV20190012172.) 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. Reynoza*, S273797 (#22-120), which presents the following issue: Does Penal Code section 136.1, subdivision (b)(2), which prohibits dissuading or attempting to dissuade a victim or witness from causing a charging document “to be sought and prosecuted, and assisting in the prosecution thereof,” encompass attempts to dissuade a victim or witness after a charging document has been filed?

**#23-138 *People v. Fairias*, S280286.** (B314347; nonpublished opinion; Los Angeles County Superior Court; BA486911.) Petition for review after the Court of Appeal modified and 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?

**#23-139 *People v. Fleming*, S280148.** (B315836; nonpublished opinion; Santa Barbara County Superior Court; 19CR06812.) 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)?; *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.); and pending finality of the 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?

**#23-140 *People v. Hamilton*, S280094.** (B319268; nonpublished opinion; Los Angeles County Superior Court; BA381749.) 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. Clark*, S275746 (#22-275), which presents the following issue: Can the People meet their burden of establishing a “pattern of criminal gang activity” under Penal Code section 186.22 as amended by Assembly Bill No. 333 (Stats. 2021, ch. 699) by presenting evidence of individual gang members committing separate predicate offenses, or must the People provide evidence of two or more gang members working in concert with each other during each predicate offense?

**#23-141 *People v. Ramos*, S280073.** (D074429; nonpublished opinion; San Diego County Superior Court; SCN365966.) 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 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 (Pen. Code, § 352.2).

**#23-142 *People v. Sanford*, S280412.** (C095503; nonpublished opinion; Butte County Superior Court; 21CF04671.) Petition for review after the Court of Appeal affirmed a judgment of conviction of criminal offenses.

**#23-143 *People v. Spann*, S280275.** (C092586; nonpublished opinion; Sacramento County Superior Court; 17FE012187.) Petition for review after the Court of Appeal affirmed a judgment of conviction of criminal offenses.

**#23-144 *People v. Welch*, S279765.** (C095476; nonpublished opinion; Yuba County Superior Court; CRF1700159.) Petition for review after the Court of Appeal affirmed a judgment of conviction of criminal offenses.

The court ordered briefing deferred in *Sanford*, *Spann*, and *Welch* 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)?

**#23-145 *Santa Ynez Band of Chumash Mission Indians of the Santa Ynez Reservation California v. Lexington Insurance Company*, S280353.** (B320834; 90 Cal.App.5th 1064; Santa Barbara County Superior Court; 20CV01967.) Petition for review after the Court of Appeal affirmed the judgment in a civil action. The court ordered briefing deferred pending decision in *Another Planet Entertainment, LLC v. Vigilant Insurance Company*, S277893 (#23-36), which presents the following issue: Can the actual or potential presence of the COVID-19 virus on an insured’s premises constitute “direct physical loss or damage to property” for purposes of coverage under a commercial property insurance policy?

## STATUS

**#23-128 *Castellanos v. State of California*, S279622.** The court ordered the issue to be briefed and argued in this case limited to the following: Does Business and Professions Code section 7451, which was enacted by Proposition 22 (the “Protect App-Based Drivers and Services Act”), conflict with article XIV, section 4 of the California Constitution and therefore require that Proposition 22, by its own terms, be deemed invalid in its entirety?

###

*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.*