



Supreme Court of California  
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**NEWS RELEASE**

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**FOR IMMEDIATE RELEASE**

July 21, 2023

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## Summary of Cases Accepted and Related Actions During Week of July 17, 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.]*

**#23-146 *People v. Collins*, S279737.** (B322744; nonpublished opinion; Kern County Superior Court; MF013183.) Petition for review after the Court of Appeal affirmed a judgment of conviction of criminal offenses. The court limited review to the following issue: Does sufficient evidence support defendant's conviction for second degree murder based on a failure to protect?

**#23-147 *Downey v. City of Riverside*, S280322.** (D080377; 90 Cal.App.5th 1033; Riverside County Superior Court; RIC1905830.) Petition for review after the Court of Appeal reversed the judgment in a civil action. This case presents the following issue: In order to recover damages for negligent infliction of emotional distress as a bystander to an automobile accident allegedly caused by dangerous conditions on nearby properties, must the plaintiff allege that she was contemporaneously aware of the connection between the conditions of the properties and the victim's injuries?

**#23-148 *Ford Motor Warranty Cases*, S279969.** (B312261; 89 Cal.App.5th 1324; Los Angeles County Superior Court; BC596216.) Petition for review after the Court of Appeal affirmed an order denying a motion to compel arbitration. The court limited review to the following issue: Do manufacturers' express or implied warranties that accompany a vehicle at the time of sale constitute obligations arising from the sale contract, permitting manufacturers to enforce an arbitration agreement in the contract pursuant to equitable estoppel?

**#23-149 *People v. Givins*, S280465.** (C096084; nonpublished opinion; Sacramento County Superior Court; 17FE023888.) 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?

**#23-150 *People v. Herring*, S280112.** (F084088; nonpublished opinion; Kern County Superior Court; BF180906A.) 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)?

**#23-151 *Lanier v. Ford Motor Company*, S280048.** (B315114; nonpublished opinion; San Luis Obispo County Superior; 21CVP-0042.) Petition for review after the Court of Appeal affirmed an order denying a motion to compel arbitration. The court ordered briefing deferred pending decision in *Ford Motor Warranty Cases*, S279969 (23-148), which presents the following issue: Do manufacturers' express or implied warranties that accompany a vehicle at the time of sale constitute obligations arising from the sale contract, permitting manufacturers to enforce an arbitration agreement in the contract pursuant to equitable estoppel?

**#23-152 *People v. Lozano*, S280530.** (B316659; nonpublished opinion; Los Angeles County Superior Court; LA044143.) 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 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?

#### DISPOSITIONS

Review in the following case, which was granted and held for *Los Angeles Unified School District v. Superior Court* (2023) 14 Cal.5th 758, was dismissed:

<b>#21-552 <i>X.M. v. Superior Court</i>, S271478</b>	(E076340; 68 Cal.App.5th 1014; San Bernardino County Superior Court; CIVDS1907602)
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Review in the following case, which was granted and held for *People v. Tacardon* (2022) 14 Cal.5th 235, was dismissed:

<b>#21-449 <i>People v. Kasrawi</i>, S270040</b>	(D077139; nonpublished opinion; San Diego County Superior Court; SCD281382)
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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.*