



Supreme Court of California
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NEWS RELEASE

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FOR IMMEDIATE RELEASE

July 26, 2024

Summary of Cases Accepted and Related Actions During Week of July 22, 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.]

#24-135 *People v. Boston*, S284917. (A164448; nonpublished opinion; Contra Costa County Superior Court; 59105958.) 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. Morris*, S284751 (#24-132), which presents the following issue: Did the trial court correctly deny defendant's Penal Code section 1172.6 resentencing petition at the prima facie stage on the ground that the actus reus of first degree felony murder requires that a defendant who is not the actual killer need only aid in the underlying felony and not in the killing itself (Pen. Code, § 189, subd. (e)(2))?

#24-136 *In re D.M.*, S285537. (E082401; 101 Cal.App.5th 1016; Riverside County Superior Court; RIJ2000775.) 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 Ja.O.*, S280572 (#23-153), which presents the following issue: Does the duty of a child welfare agency to inquire of extended family members and others about a child's potential Indian ancestry apply to children who are taken into custody under a protective custody warrant?

#24-137 *Newton – The Children's Learning Center v. De Ritz*, S285460. (A167738; nonpublished opinion; San Mateo County Superior Court; 20CIV02750.) Petition for review after the Court of Appeal affirmed an order in a civil action. The court ordered briefing deferred pending decision in *City of Los Angeles v. PricewaterhouseCoopers, LLC*, S277211 (#23-17), which presents the following issue: Is a court's authority to impose monetary sanctions for misuse of the discovery process limited to circumstances expressly delineated in a method-specific provision of the Civil Discovery Act, or do

courts have independent authority to impose monetary sanctions for such discovery misconduct, including under Code of Civil Procedure sections 2023.010 and 2023.030?

#24-138 *Stiles v. Kia Motors America*, S285433. (B325798; 101 Cal.App.5th 913; Ventura County Superior Court; 56-2019-00527171-CU-BC-VTA.) Petition for review after the Court of Appeal reversed the judgment in a civil action. The court ordered briefing deferred pending decision in *Rodriguez v. FCA US, LLC*, S274625 (#22-187), which presents the following issue: Is a used vehicle that is still covered by the manufacturer’s express warranty a “new motor vehicle” within the meaning of Civil Code section 1793.22, subdivision (e)(2), which defines “new motor vehicle” as including a “motor vehicle sold with a manufacturer’s new car warranty”?

#24-139 *People v. Ware*, S285494. (F085695; nonpublished opinion; Merced County Superior Court; SUF18418.) 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?

DISPOSITIONS

The following case was transferred with directions to abate in light of the defendant’s death:

#23-206 <i>People v. Cervantes</i>, S281898	(H048986; nonpublished opinion; Santa Clara County Superior Court; C1775222)
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The following case was transferred for reconsideration in light of *Make UC A Good Neighbor v. Regents of the University of California* (2024) 16 Cal.5th 43:

#23-237 <i>West Adams Heritage Association v. City of Los Angeles</i>, S281588	(B319121; nonpublished opinion; Los Angeles County Superior Court; 20STCP00916)
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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.