



Supreme Court of California
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NEWS RELEASE

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FOR IMMEDIATE RELEASE

August 16, 2024

Summary of Cases Accepted and Related Actions During Week of August 12, 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.]

#24-145 *City of San José v. Howard Jarvis Taxpayers Association*, S285426.

(H050889; 101 Cal.App.5th 777; Santa Clara County Superior Court; 21CV391517.)

Petition for review after the Court of Appeal affirmed the judgment in a civil action. The court limited review to the following issue: Is the issuance of pension obligation bonds to finance unfunded pension liability subject to the voter-approval requirement of article XVI, section 18, subdivision (a) of the California Constitution?

#24-146 *People v. Avalos*, S285877. (F086715; nonpublished opinion; Merced County Superior Court; CRM026522.) Petition for review after the Court of Appeal reversed an order denying a post-judgment motion in a criminal matter and remanded for resentencing.

#24-147 *People v. Mayberry*, S285853. (F085869; 102 Cal.App.5th 665; Fresno County Superior Court; F18904486.) Petition for review after the Court of Appeal reversed an order denying a post-judgment motion in a criminal matter and remanded for resentencing.

The court ordered briefing in *Avalos* and *Mayberry* deferred pending decision in *People v. Rhodius*, S283169 (#24-34), which presents the following issue: Does Senate Bill No. 483 (Stats. 2021, ch. 728) entitle a defendant to a full resentencing hearing under Penal Code section 1172.75 if the defendant's prior prison term enhancements (Pen. Code, § 667.5, subd. (b)) were imposed and stayed, rather than imposed and executed?

#24-148 *Lopez v. Dayton*, S285689. (A168458; nonpublished opinion; Contra Costa County Superior Court; C2100204.) Petition for review after the Court of Appeal

affirmed an order in a civil action. The court ordered briefing deferred pending decision in *Gutierrez v. Tostado*, S283128 (#24-59), which presents the following issue: Does the one-year statute of limitations in the Medical Injury Compensation Reform Act (MICRA; Code Civ. Proc., § 340.5) apply to a personal injury claim alleging that the plaintiff's vehicle was struck by a negligently driven ambulance?

#24-149 *People v. Verrett*, S285777. (C098698; nonpublished opinion; San Joaquin County Superior Court; STKCRFE2018006292.) Petition for review after the Court of Appeal reversed an order denying a post-judgment motion in a criminal matter and remanded for further proceedings. 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.)

#24-150 *People v. Walker*, S285745. (A166719; nonpublished opinion; San Francisco County Superior Court; SCN231245.) 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?

#24-151 *People v. Wallace*, S285791. (A166181; nonpublished opinion; Alameda County Superior Court; 19CR004871.) 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 *People v. Wiley*, S283326 (#24-51), which presents the following issue: Did the sentencing court's consideration of circumstances in aggravation based on certified records of prior convictions, beyond the bare fact of the convictions, violate Penal Code section 1170, subdivision (b)(3) or defendant's Sixth Amendment right to a jury trial?

#24-152 *People v. Watkins*, S285721. (B317088; nonpublished opinion; Los Angeles County Superior Court; BA452879.) Petition for review after the Court of Appeal remanded for resentencing and otherwise affirmed a judgment of conviction of criminal offenses. 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).

DISPOSITIONS

The following case was transferred for reconsideration in light of *People v. Arellano* (2024) 16 Cal.5th 457:

#24-72 <i>People v. Aguilar</i>, S284171	(B326991; nonpublished opinion; Los Angeles County Superior Court; PA075131)
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Review in the following case, which was granted and held for *People v. Arellano* (2024) 16 Cal.5th 457, was dismissed:

#24-108 <i>People v. Courtney</i>, S285026	(C097510; nonpublished opinion; Sacramento County Superior Court; 02F00882)
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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.