



Supreme Court of California  
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**NEWS RELEASE**

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**FOR IMMEDIATE RELEASE**

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## Summary of Cases Accepted and Related Actions During Week of August 22, 2022

*[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.]*

**#22-233 *In re N.R.*, S274943.** (B312001; nonpublished opinion; Los Angeles County Superior Court; 20CCJP06523.) Petition for review after the Court of Appeal affirmed orders in a juvenile dependency proceeding. This case presents the following issues:  
(1) What is the definition of “substance abuse” for purposes of declaring a child a dependent under Welfare and Institutions Code section 300, subdivision (b)(1)?  
(2) Where a child is under the age of six, does a finding of parental substance abuse alone provide sufficient evidence to warrant juvenile court jurisdiction?

**#22-234 *Quach v. California Commerce Club, Inc.*, S275121.** (B310458; 78 Cal.App.5th 470; Los Angeles County Superior Court; 19STCV42445.) Petition for review after the Court of Appeal reversed an order denying a petition to compel arbitration in a civil action. This case presents the following issue: Does California’s test for determining whether a party has waived its right to compel arbitration by engaging in litigation remain valid after the United States Supreme Court decision in *Morgan v. Sundance, Inc.* (2022) \_\_\_ U.S. \_\_\_ [142 S.Ct. 1708]?

**#22-235 *People v. Cardona*, S275319.** (B308787; nonpublished opinion; Los Angeles County Superior Court; VA087926.) 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. Espinoza*, S269647 (#21-453), which presents the following issue: Did the Court of Appeal err in ruling that defendant failed to adequately corroborate his claim that immigration consequences were a paramount concern and thus that he could not demonstrate prejudice within the meaning of Penal Code section 1473.7?

**#22-236 *People v. Cervantes*, S275611.** (G058554; nonpublished opinion; Orange County Superior Court; 01WF2314.) 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. Curiel*, S272238 (#21-23), which presents the following issue: Does a jury's true finding on a gang-murder special circumstance (Pen. Code, § 190.2, subd. (a)(22)) preclude a defendant from making a prima facie showing of eligibility for resentencing under Penal Code section 1170.95?

**#22-237 *People v. Colbourn*, S275605.** (C094308; nonpublished opinion; Butte County Superior Court; 20CF03167.) Petition for review after the Court of Appeal affirmed a judgment of conviction of a criminal offense. 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)?

**#22-238 *People v. Khaliqi*, S275164.** (H047928; nonpublished opinion; Santa Clara County Superior Court; C1628809.) Petitions for review after the Court of Appeal affirmed in part and reversed in part 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?

**#22-239 *People v. Spicer*, S275141.** (B308931; nonpublished opinion; Los Angeles County Superior Court; TA148753.) Petitions for review after the Court of Appeal affirmed in part and conditionally reversed in part judgments of conviction of criminal offenses and remanded for further proceedings. The court ordered briefing deferred pending decision in *People v. Tran*, S165998, an automatic appeal, which includes an issue involving the retroactivity of the provision in Assembly Bill No. 333 (Stats. 2021, ch. 699) permitting the bifurcation of gang allegations at trial (Pen. Code, § 1109).

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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.*