



Supreme Court of California
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NEWS RELEASE

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FOR IMMEDIATE RELEASE

September 5, 2025

Summary of Cases Accepted and Related Actions During Week of September 2, 2025

[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.]

#25-293 *People v. Koehler*, S292030. (B326685; nonpublished opinion; San Luis Obispo County Superior Court; 18F-04199.) 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. Bankston*, S044739, and pending finality of the decision in *People v. Aguirre* (Aug. 28, 2025, S275660) ___ Cal.5th ___, 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).

#25-294 *People v. McDaniel*, S291760. (B335982; nonpublished opinion; Los Angeles County Superior Court; YA089614.) Petition for review after the Court of Appeal modified and affirmed an order granting in part and denying in part a post-judgment motion in a criminal matter. The court ordered briefing deferred pending decision in *People v. Eaton*, S289903 (#25-129), which presents the following issue: May a trial court reimpose a previously imposed upper term sentence under Penal Code section 1172.75, subdivision (d)(4) where the facts underlying one or more aggravating circumstances were neither stipulated to by the defendant nor found true beyond a reasonable doubt at trial by the jury or by the judge in a court trial (cf. Pen. Code, § 1170, subd. (b)(2); *id.*, § 1172.75, subd. (d)(2))?

#25-295 *People v. Torres*, S291970. (F087844; nonpublished opinion; Fresno County Superior Court; F13905713.) 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. Lopez*, S287814 (#25-2), which presents the following issue: Does Penal Code section 1172.6, subdivision (a)(3), which requires

defendants to allege that they “could not presently be convicted of murder or attempted murder because of changes to section 188 or 189 made effective January 1, 2019,” render ineligible for relief petitioners who could have raised their challenges to imputed malice on prior direct appeal?

DISPOSITIONS

The following case was dismissed at the joint request of the parties in light of the United States Court of Appeals for the Ninth Circuit’s withdrawal of its request that this court decide a question of California law:

#25-92 <i>Pitt v. Metropolitan Tower Life Ins. Co.</i>, S289376	(9th Cir. No. 23-55566; 129 F.4th 583; Southern District of California; No. 3:20-cv-00694-RSH-DEB)
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The following cases were transferred for reconsideration in light of *People v. Rhodius* (2025) 17 Cal.5th 1050:

#25-111 <i>People v. Bowman</i>, S289781	(E083016; nonpublished opinion; Riverside County Superior Court; RIF090904)
#25-120 <i>People v. Cline</i>, S289538	(E083060; nonpublished opinion; Riverside County Superior Court; RIF1404943)
#24-261 <i>People v. Epps</i>, S287865	(E082642; nonpublished opinion; Riverside County Superior Court; RIF1100036)
#25-121 <i>People v. Garcia</i>, S289917	(E083052; nonpublished opinion; Riverside County Superior Court; CR47377)
#25-157 <i>People v. Guerrero</i>, S290371	(E083231; nonpublished opinion; Riverside County Superior Court; RIF1203580)

#25-100 <i>People v. Holloway</i>, S289455	(E083170; nonpublished opinion; Riverside County Superior Court; RIF72178)
#25-184 <i>People v. Jackson</i>, S290547	(E083076, E083074; nonpublished opinion; Riverside County Superior Court; BAF1400741, RIF1403938)
#25-229 <i>People v. Jackson</i>, S291074	(E083072; nonpublished opinion; Riverside County Superior Court; CR69388)
#25-77 <i>People v. Jimenez</i>, S289330	(E082632; nonpublished opinion; Riverside County Superior Court; INF1501116)
#25-35 <i>People v. Major</i>, S288591	(E082616; nonpublished opinion; Riverside County Superior Court; RIF1303646)
#25-36 <i>People v. McCalipp</i>, S288728	(E082629; nonpublished opinion; Riverside County Superior Court; RIF1301693)
#25-200 <i>People v. Mialkousky</i>, S290665	(E083235; nonpublished opinion; Riverside County Superior Court; RIF145467)
#25-104 <i>People v. Miller</i>, S289269	(E083061; nonpublished opinion; Riverside County Superior Court; CR67859)
#25-50 <i>People v. Milton</i>, S288765	(E082905; nonpublished opinion; Riverside County Superior Court; RIF1300100)
#25-231 <i>People v. Noriega</i>, S291208	(E082986; nonpublished opinion; Riverside County Superior Court; RIF127423)

#25-82 <i>People v. Olvera</i>, S289265	(E083233; nonpublished opinion; Riverside County Superior Court; RIF118400)
#25-187 <i>People v. Rodola</i>, S290658	(E082873; nonpublished opinion; Riverside County Superior Court; RIF72310)
#25-22 <i>People v. Smith</i>, S288307	(E083000; nonpublished opinion; Riverside County Superior Court; CR63215)
#25-113 <i>People v. Valenzuela</i>, S289854	(E083299; nonpublished opinion; Riverside County Superior Court; INF1201315)
#25-172 <i>People v. Vega-Sanchez</i>, S290338	(E082892; nonpublished opinion; Riverside County Superior Court; RIF1204066)

Review in the following cases, which were granted and held for *People v. Rhodius* (2025) 17 Cal.5th 1050, was dismissed:

#25-114 <i>People v. Varney</i>, S289425	(E082894; nonpublished opinion; Riverside County Superior Court; RIF110836)
#25-236 <i>People v. Vines</i>, S291115	(G063749; nonpublished opinion; Orange County Superior Court; 95WF2339)
#25-10 <i>People v. Waldrop</i>, S287841	(D083337; nonpublished opinion; San Diego County Superior Court; SCD103413)
#24-254 <i>People v. Walker</i>, S287745	(B334454; nonpublished opinion; Los Angeles County Superior Court; TA033786)

#25-237 <i>People v. White</i>, S291134	(D083841; nonpublished opinion; San Diego County Superior Court; SCN004867)
#24-271 <i>People v. Wilford</i>, S287846	(D083443, D083442; nonpublished opinion; San Diego County Superior Court; SCD261253, SCS256542)
#25-173 <i>People v. Williams</i>, S290324	(B336359, B332286; nonpublished opinion; Los Angeles County Superior Court; VA070560, BA245618)
#25-52 <i>People v. Wilson</i>, S288831	(E082943; nonpublished opinion; Riverside County Superior Court; RIF1700124)
#25-193 <i>People v. Wright</i>, S290713	(E083910; nonpublished opinion; San Bernardino County Superior Court; FWV17001837)

The following case was transferred for reconsideration in light of *People v. Lynch* (2024) 16 Cal.5th 730 and *People v. Wiley* (2025) 17 Cal.5th 1069:

#24-114 <i>People v. Ruiz</i>, S284387	(B323988; nonpublished opinion; Los Angeles County Superior Court; BA501067)
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The following cases were transferred for reconsideration in light of *People v. Wiley* (2025) 17 Cal.5th 1069:

#24-172 <i>People v. Sandusky</i>, S285749	(C098754; nonpublished opinion; Butte County Superior Court; 16CF04009)
#25-109 <i>People v. Schanuth</i>, S289712	(C100904; nonpublished opinion; Yuba County Superior Court; CRF2100211)

#24-272 <i>People v. Taylor</i> , S288089	(A168306; nonpublished opinion; Del Norte County Superior Court; CRF239077)
#24-151 <i>People v. Wallace</i> , S285791	(A166181; nonpublished opinion; Alameda County Superior Court; 19CR004871)

The following case was transferred for reconsideration in light of *EpicentRx, Inc. v. Superior Court* (2025) 18 Cal.5th 58:

#25-40 <i>The Comedy Store v. Moss Adams LLP</i> , S288469	(B327404; 106 Cal.App.5th 784 [non-citable]; Los Angeles County Superior Court; 22SMCV01463)
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STATUS

#25-12 *Lathrop v. Thor Motor Coach, Inc.*, S287893. In this case in which briefing was previously deferred pending decision in *EpicentRx, Inc. v. Superior Court* (2025) 18 Cal.5th 58, the court ordered briefing on the following questions: (1) Where a party alleges that enforcement of a forum selection clause would result in a waiver of the party's unwaivable statutory rights, what is the showing necessary to enforce (or avoid enforcement) of such a clause, and which party bears the burden of proof on the issue? (2) Under what circumstances, if any, does a stipulation to apply California law in the selected forum rebut an allegation that enforcement of a forum selection clause would result in a waiver of a party's unwaivable statutory rights? (3) If enforcement of a choice of law clause would result in a waiver of a party's unwaivable statutory rights, is the choice of law clause severable from the remainder of the agreement?

In the following case, in which briefing was previously deferred pending decision in *EpicentRx, Inc. v. Superior Court* (2025) 18 Cal.5th 58, the court ordered briefing deferred pending decision in *Lathrop v. Thor Motor Coach, Inc.*, S287893 (#25-12), which presents the following issues: (1) Where a party alleges that enforcement of a forum selection clause would result in a waiver of the party's unwaivable statutory rights, what is the showing necessary to enforce (or avoid enforcement) of such a clause, and which party bears the burden of proof on the issue? (2) Under what circumstances, if any, does a stipulation to apply California law in the selected forum rebut an allegation that enforcement of a forum selection clause would result in a waiver of a party's unwaivable statutory rights? (3) If enforcement of a choice of law clause would result in

a waiver of a party's unwaivable statutory rights, is the choice of law clause severable from the remainder of the agreement?

#25-127 Hardy v. Forest River, Inc., S289309	(B331450; 108 Cal.App.5th 450; Los Angeles County Superior Court; 22NWCV01656)
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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.