



Supreme Court of California
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NEWS RELEASE

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FOR IMMEDIATE RELEASE

September 13, 2024

Summary of Cases Accepted and Related Actions During Week of September 9, 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.]

#24-164 *People v. Meno*, S286092. (D081878; 102 Cal.App.5th 943; San Diego County Superior Court; SCD288239.) Petition for review after the Court of Appeal modified and affirmed a judgment of conviction of criminal offenses. This case presents the following issue: Does a trial court have discretion to dismiss either the greater or lesser included offense involving the same conduct of driving under the influence causing death in order to avoid the prohibition against multiple convictions based on necessarily included offenses?

#24-165 *In re S.R.*, S285759. (B326812; nonpublished order; Los Angeles County Superior Court; 22CCJP03750A, 22CCJP03750B.) Petition for review after the Court of Appeal dismissed appeal as moot in a juvenile dependency proceeding. This case presents the following issues: (1) When a juvenile court's jurisdictional findings establish that a parent committed an offense that the law requires be reported to the statewide Child Abuse Centralized Index (CACI), should an appellate court presume, on an otherwise silent record, the offense has been or will be reported to CACI? (2) If un rebutted, is this presumption sufficient to avoid dismissal for mootness?

#24-166 *In re A.G.*, S285658. (B331398; nonpublished opinion; Los Angeles County Superior Court; 22CCJP02589.) Petition for review after the Court of Appeal affirmed orders in a juvenile dependency proceeding. The court ordered briefing deferred pending finality of the decision in *In re Dezi C.* (Aug. 19, 2024, S275578) ___ Cal.5th ___.

#24-167 *City of Escondido v. Fawcett*, S286239. (D082525; nonpublished opinion; San Diego County Superior Court; 37-2022-00025425-CU-PT-NC.) Petition for review after the Court of Appeal affirmed the judgment in a civil action. The court ordered briefing

deferred pending decision in *City of San José v. Howard Jarvis Taxpayers Association*, S285426 (#24-145), which presents 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?

#24-168 *Keeton v. Tesla, Inc.*, S286260. (A166690; 103 Cal.App.5th 26; Alameda County Superior Court; RG21109088.) Petition for review after the Court of Appeal affirmed an order in a civil action. The court ordered briefing deferred pending decision in *Hohenshelt v. Superior Court*, S284498 (#24-98), which presents the following issue: Does the Federal Arbitration Act (9 U.S.C. § 1 et seq.) preempt state statutes prescribing the procedures for paying arbitration fees and providing for forfeiture of the right to arbitrate if timely payment is not made by the party who drafted the arbitration agreement and who is required to pay such fees?

#24-169 *People v. Martinez*, S286315. (B328594; nonpublished opinion; Los Angeles County Superior Court; KA113251.) Petition for review after the Court of Appeal affirmed an order denying a post-judgment motion in a criminal matter.

#24-170 *People v. Williams*, S286314. (F085868; 103 Cal.App.5th 375; Stanislaus County Superior Court; 1422550.) 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 in *Martinez* and *Williams* 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.)

#24-171 *People v. Pham*, S286268. (B327279; nonpublished opinion; Los Angeles County Superior Court; KA075040.) 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 *In re Hernandez*, S282186 (#23-261), which presents the following issue: Does the totality of the circumstances establish that defendant meaningfully understood the immigration consequences of her plea?

#24-172 *People v. Sandusky*, S285749. (C098754; nonpublished opinion; Butte County Superior Court; 16CF04009.) 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. 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?

DISPOSITIONS

Review in the following case, which was granted and held for *Needham v. Superior Court* (2024) 16 Cal.5th 333, was dismissed:

#23-21 <i>People v. Arnold</i>, S277872	(B311683; nonpublished opinion; Los Angeles County Superior Court; ZM011449)
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The following case was transferred for reconsideration in light of *Needham v. Superior Court* (2024) 16 Cal.5th 333:

#23-186 <i>People v. Sloan</i>, S281478	(C095622; 93 Cal.App.5th 698 [non-citable]; Sacramento County Superior Court; 03F00743)
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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.