



Supreme Court of California
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NEWS RELEASE

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FOR IMMEDIATE RELEASE

September 15, 2023

Summary of Cases Accepted and Related Actions During Week of September 11, 2023

[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.]

#23-174 *People v. Emanuel*, S280551. (H049147; nonpublished opinion; Santa Clara County Superior Court; C1246799.) Petition for review after the Court of Appeal affirmed an order denying a post-judgment motion in a criminal matter. This case presents the following issue: Does sufficient evidence support the trial court's finding that defendant acted with reckless indifference to human life and therefore was ineligible for resentencing pursuant to Penal Code section 1172.6?

#23-175 *Raju v. Superior Court*, S281001. (A164736; 92 Cal.App.5th 438, mod. 92 Cal.App.5th 1222; Contra Costa County Superior Court; MSRA210005.) Petition for review after the Court of Appeal reversed the judgment in a civil action. This case presents the following issues: (1) Does a taxpayer have standing to pursue a civil action against a superior court based on its alleged failure to expedite and prioritize criminal cases? (2) If so, may such an action be based on Penal Code section 1049.5 or 1050?

#23-176 *People v. Falcon*, S281242. (F083577; 92 Cal.App.5th 911; Kern County Superior Court; BF174596A.) Petition for review after the Court of Appeal affirmed in part and reversed in part a judgment of conviction of criminal offenses and remanded for further proceedings.

#23-177 *People v. Navarro*, S280992. (H049055; nonpublished opinion; Santa Clara County Superior Court; C2007608.) Petition for review after the Court of Appeal affirmed in part and reversed in part a judgment of conviction of criminal offenses and remanded for further proceedings.

The court ordered briefing in *Falcon* and *Navarro* 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)?

#23-178 *People v. Jackson*, S281267. (A164649; 93 Cal.App.5th 207; San Mateo County Superior Court; 16SF014002A.) Petition for review after the Court of Appeal reversed an order revoking probation in a criminal matter and remanded for further proceedings. The court ordered briefing deferred pending decision in *People v. Faial*, S273840 (#22-133), which presents the following issue: Does Assembly Bill No. 1950 (Stats. 2020, ch. 328) apply retroactively to a defendant, serving a suspended-execution sentence, whose probation was revoked before the law went into effect?

#23-179 *In re Kieran S.*, S280993. (B318672; nonpublished opinion; Los Angeles County Superior Court; 19LJJP00321A.) Petition for review after the Court of Appeal affirmed orders in a juvenile dependency proceeding. The court ordered briefing deferred pending decision in *In re N.R.*, S274943 (#22-233), which 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?

#23-180 *In re M.R.*, S281249. (E080328; nonpublished opinion; Riverside County Superior Court; RIJ2100164.) Petition for review after the Court of Appeal affirmed orders 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?

#23-181 *People v. Vaughn*, S281320. (F084104; nonpublished opinion; Fresno County Superior Court; F08908036.) 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. 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.)

#23-182 *People v. Washington*, S281298. (A166126; nonpublished opinion; Alameda County Superior Court; H53084A.) 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. Hardin*, S277487 (#23-1), which presents the following issue: Does Penal Code section 3051, subdivision (h), violate the Equal Protection Clause of the Fourteenth Amendment by excluding young adults

sentenced to life without the possibility of parole from youth offender parole consideration, while young adults sentenced to parole-eligible terms are entitled to such consideration?

DISPOSITIONS

Review in the following cases, which were granted and held for *Adolph v. Uber Technologies, Inc.* (2023) 14 Cal.5th 1104, was dismissed:

#23-90 <i>Galarsa v. Dolgen California, LLC</i>, S279021	(F082404; 88 Cal.App.5th 639; Kern County Superior Court; BCV-19-102504)
#23-118 <i>Gregg v. Uber Technologies, Inc.</i>, S279722	(B302925; 89 Cal.App.5th 786; Los Angeles County Superior Court; BC719085)
#23-119 <i>Piplack v. In-N-Out Burgers</i>, S279546	(G061098; 88 Cal.App.5th 1281; Orange County Superior Court; 30-2019-01114510)
#23-85 <i>Quintero v. Dolgen California, LLC</i>, S279155	(F083769; nonpublished opinion; Tulare County Superior Court; VCU287566)
#23-120 <i>Seifu v. Lyft, Inc.</i>, S279932	(B301774; 89 Cal.App.5th 1129; Los Angeles County Superior Court; BC712959)
#23-18 <i>Silva v. Dolgen California, LLC</i>, S277536	(E078185; nonpublished opinion; Riverside County Superior Court; CVRI2102601)

The following cases were transferred for reconsideration in light of *Adolph v. Uber Technologies, Inc.* (2023) 14 Cal.5th 1104:

#22-225 <i>Sanchez v. MC Painting</i>, S274780	(D078817; nonpublished opinion; San Diego County Superior Court; 37-2020-00030754-CU-OE-CTL)
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#22-226 <i>Wing v. Chico Healthcare & Wellness Centre, LP</i>, S274939	(B310232; 78 Cal.App.5th 22; Los Angeles County Superior Court; BC719077)
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STATUS**#23-93 *Make UC A Good Neighbor v. Regents of University of California*, S279242.**

The court directed the parties to file supplemental briefs addressing the significance, if any, of Assembly Bill No. 1307 (2023–2024 Reg. Sess.) to the issues presented in this case.

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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.