



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 September 12, 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.]

#22-245 *Gerro v. Blockfi Lending*, S275530. (B307156, B312647; nonpublished opinion; Los Angeles County Superior Court; 20STCV31493.) Petition for review after the Court of Appeal affirmed in part and reversed in part the judgment in a civil action. This case presents the following issue: Did the Court of Appeal correctly hold that this action must remain in California despite the contractual forum selection clause?

#22-246 *People v. Cardenas*, S275778. (A161694; nonpublished opinion; Sonoma County Superior Court; SCR327604.) Petition for review after the Court of Appeal affirmed an order denying a post-judgment motion in a criminal matter.

#22-247 *People v. Higuera*, S275897. (A161879; nonpublished opinion; Sonoma County Superior Court; SCR327602.) Petition for review after the Court of Appeal affirmed an order denying a post-judgment motion in a criminal matter.

The court ordered briefing in *Cardenas* and *Higuera* 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?

#22-248 *People v. Casillas*, S275766. (B306934; nonpublished opinion; Los Angeles County Superior Court; KA098865.) Petition for review after the Court of Appeal affirmed in part, reversed in part, and conditionally reversed in part a judgment of conviction of criminal offenses and remanded for further proceedings. The court ordered briefing deferred pending finality of the decision in *People v. Tran* (Aug. 29, 2022, S165998) ___ Cal.5th ___.

#22-249 *People v. Fields*, S275607. (F083476; nonpublished opinion; Fresno County Superior Court; F21900886.) Petition for review after the Court of Appeal affirmed an order in a criminal case.

#22-250 *People v. Thornton*, S275771. (F083218; nonpublished opinion; Fresno County Superior Court; F17905508.) Petition for review after the Court of Appeal affirmed a judgment of conviction of a criminal offense.

The court ordered briefing in *Fields* and *Thornton* 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)?

#22-251 *People v. Lewis*, S275635. (B306777, B310252; nonpublished opinion; Los Angeles County Superior Court; TA146087.) Petitions for review after the Court of Appeal affirmed judgments of conviction of criminal offenses. 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)? and pending finality of the decision in *People v. Tran* (Aug. 29, 2022, S165998) ___ Cal.5th ___.

#22-252 *People v. Olivera*, S275031. (F081186; nonpublished opinion; Fresno County Superior Court; F18905181.) Petition for review after the Court of Appeal affirmed in part and modified in part a judgment of conviction of a criminal offense. The court ordered briefing deferred pending decision in *People v. Ramirez*, S262010 (#20-148), which presents the following issues: (1) Did the trial court err in ruling that defendant's overdose on heroin during his jury trial was an implicit waiver of his right to be present and made him voluntarily absent within the meaning of Penal Code section 1043, subdivision (b)(2)? (2) Did the trial court err in denying the defense motion for a one-day continuance to permit defendant to testify?

#22-253 *People v. Robinson*, S275364. (B317209; nonpublished opinion; Kern County Superior Court; BF168297.) 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 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?

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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.