



Supreme Court of California
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NEWS RELEASE

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FOR IMMEDIATE RELEASE

September 21, 2023

Summary of Cases Accepted and Related Actions During Week of September 18, 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.]

#23-183 *People v. Casarrubias*, S281299. (G060529; nonpublished opinion; Orange County Superior Court; 17CF1471.) 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 deferred pending decisions in *People v. Bankston*, S044739, and *People v. Hin*, S141519, 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).

#23-184 *Montemayor v. Ford Motor Company*, S281237. (B320477; 92 Cal.App.5th 958; Los Angeles County Superior Court; 19STCV37946.) Petition for review after the Court of Appeal affirmed an order denying a motion to compel arbitration. The court ordered briefing deferred pending decision in *Ford Motor Warranty Cases*, S279969 (#23-148), which presents the following issue: Do manufacturers' express or implied warranties that accompany a vehicle at the time of sale constitute obligations arising from the sale contract, permitting manufacturers to enforce an arbitration agreement in the contract pursuant to equitable estoppel?

#23-185 *People v. Ramirez*, S281415. (G061275; 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 (#22-23), 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?

#23-186 *People v. Sloan*, S281478. (C095622; 93 Cal.App.5th 698; Sacramento County Superior Court; 03F00743.) Petition for review after the Court of Appeal reversed a civil commitment order and remanded for further proceedings. The court ordered briefing deferred pending decision in *Needham v. Superior Court*, S276395 (#22-281), which presents the following issue: Does the Sexually Violent Predator Act (Welf. & Inst. Code, § 6600 et seq.) allow the People to retain a private expert to testify at trial as to whether a defendant is a sexually violent predator, or are the expert witnesses limited to those designated by the State Department of State Hospitals (Welf. & Inst. Code, §§ 6601 & 6603)?

DISPOSITIONS

The following cases were transferred for reconsideration in light of *People v. Prudholme* (2023) 14 Cal.5th 961:

#21-489 <i>People v. Alonzo</i>, S270190	(F081532; nonpublished opinion; Kern County Superior Court; BF176208A)
#22-09 <i>People v. Coffey</i>, S271719	(F080792; nonpublished opinion; Kern County Superior Court; BF175954A)
#22-40 <i>People v. Haney</i>, S272473	(F081735; nonpublished opinion; Kern County Superior Court; DF014703A)
#22-156 <i>People v. Scarano</i>, S273830	(C092538; 74 Cal.App.5th 993 [non-citable]; Sacramento County Superior Court; 19FE023236)

Review in the following cases, which were granted and held for *People v. Prudholme* (2023) 14 Cal.5th 961, was dismissed:

#22-77 <i>People v. Emery</i>, S273293	(C093813; nonpublished opinion; Amador County Superior Court; 18CR2762904)
#22-172 <i>People v. Flores</i>, S274561	(F081903; 77 Cal.App.5th 420; Kern County Superior Court; BF177597A)

<p>#22-299 <i>People v. Maetta</i>, S276712</p>	<p>(G059912; nonpublished opinion; Orange County Superior Court; 07NF2428)</p>
<p>#22-260 <i>People v. Shelly</i>, S276031</p>	<p>(C094048; 81 Cal.App.5th 181; Sacramento County Superior Court; 19FE019828)</p>

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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.