



Supreme Court of California
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NEWS RELEASE

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FOR IMMEDIATE RELEASE

September 22, 2022

Summary of Cases Accepted and Related Actions During Week of September 19, 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.]

#22-254 *In Re Dezi C.*, S275578. (B317935; 79 Cal.App.5th 769; Los Angeles County Superior Court; 19CCJP08030.) Petition for review after the Court of Appeal affirmed orders in a juvenile dependency proceeding. This case presents the following issue: What constitutes reversible error when a child welfare agency fails to make the statutorily required inquiry concerning a child's potential Indian ancestry?

#22-255 *People v. Cabrera*, S275569. (B314954; nonpublished opinion; Los Angeles County Superior Court; BA115599.) 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. Espinoza*, S269647 (#21-453), which presents the following issue: Did the Court of Appeal err in ruling that defendant failed to adequately corroborate his claim that immigration consequences were a paramount concern and thus that he could not demonstrate prejudice within the meaning of Penal Code section 1473.7?

#22-256 *People v. Herrera*, S275743. (B298686; nonpublished opinion; Los Angeles County Superior Court; VA140013.) 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 finality of the decision in *People v. Tran* (Aug. 29, 2022, S165998) ___ Cal.5th ___.

#22-257 *People v. Magee*, S276029. (E077903; nonpublished opinion; San Bernardino County Superior Court; FSB1203948.) Petition for review after the Court of Appeal dismissed an appeal from an order denying a post-judgment motion in a criminal matter. The court ordered briefing deferred pending decision in *People v. Delgadillo*, S266305 (#21-72), which presents the following issues: (1) What procedures must appointed

counsel and the Courts of Appeal follow when counsel determines that an appeal from an order denying postconviction relief lacks arguable merit? (2) Are defendants entitled to notice of these procedures?

#22-258 *People v. Perez*, S275987. (E078155; nonpublished opinion; Riverside County Superior Court; SWF1707851.) Petition for review after the Court of Appeal modified and affirmed a judgment of conviction of criminal offenses.

#22-259 *People v. Tooker*, S275975. (A163332; nonpublished opinion; Marin County Superior Court; SC197709A.) Petition for review after the Court of Appeal affirmed a judgment of conviction of criminal offenses.

The court ordered briefing in *Perez* and *Tooker* 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)?

#22-260 *People v. Shelly*, S276031. (C094048; 81 Cal.App.5th 181; Sacramento County Superior Court; 19FE019828.) Petition for review after the Court of Appeal modified and affirmed a judgment of conviction of a criminal offense. The court ordered briefing deferred pending decision in *People v. Prudholme*, S271057 (#21-531), which presents the following issues: (1) Does Assembly Bill No. 1950 (Stats. 2020, ch. 328) apply retroactively under *In re Estrada* (1965) 63 Cal.2d 740? (2) If so, does the remand procedure of *People v. Stamps* (2020) 9 Cal.5th 685 apply?

SEPARATE STATEMENT ON DENIAL OF REVIEW

***Almond Alliance of California v. Fish and Game Commission*, S275412.** (C093542; 79 Cal.App.5th 337; Sacramento County Superior Court; 34201980003216CUWMGDS.) Petition for review after the Court of Appeal reversed the judgment in an action for administrative mandate.

DISPOSITIONS

The following case was transferred for reconsideration in light of Senate Bill No. 446 (Stats. 2021, ch. 490, § 1) and Senate Bill No. 632 (Stats. 2022, ch. 133, § 1(a)):

#21-270 <i>Souliotes v. California Victim Compensation Bd.</i>, S267930	(B295163; 61 Cal.App.5th 73 [non-citable]; Los Angeles County Superior Court; BS170608)
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Review in the following case, which was granted and held for *Souliotes v. California Victim Compensation Bd.*, S267930, was dismissed:

#21-426 <i>Larsen v. California Victim Comp. Bd.</i>, S269406	(B297857; 64 Cal.App.5th 112, mod. 64 Cal.App.5th 875a; Los Angeles County Superior Court; BS170693)
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STATUS

***People v. Cardenas*, S151493.** The court directed the parties in this automatic appeal to file supplemental briefs addressing the following issue: The significance, if any, of Assembly Bill No. 333 (Stats. 2021, ch. 699, § 3), *People v. Valencia* (2021) 11 Cal.5th 818, *People v. Navarro* (2021) 12 Cal.5th 285, and *People v. Tran* (Aug. 29, 2022, S165998) __ Cal.5th __, 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.