



Supreme Court of California
350 McAllister Street, San Francisco, CA 94102-4797
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NEWS RELEASE

Contact: [Merrill Balassone](mailto:Merrill.Balassone@courts.ca.gov), 415-865-7740

FOR IMMEDIATE RELEASE

September 26, 2024

Summary of Cases Accepted and Related Actions During Week of September 23, 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.]

#24-179 *People v. Shaw*, S286453. (C098821; nonpublished opinion; Placer County Superior Court; 62176716Z.) Petition for review after the Court of Appeal affirmed a judgment of conviction of criminal offenses. The court limited review to the following issue: May two prior convictions arising out of a single act that harms multiple victims constitute two strikes under the Three Strikes law? (*People v. Vargas* (2014) 59 Cal.4th 635; *People v. Williams* (1998) 17 Cal.4th 148.)

#24-180 *TRC Operating Co., Inc. v. Chevron USA, Inc.*, S286233. (F083724; 102 Cal.App.5th 1040; Kern County Superior Court; S1500-CV-282520_JEB.) Petition for review after the Court of Appeal affirmed and reversed orders in a civil action and remanded for further proceedings. The court limited review to the following issue: Does Code of Civil Procedure section 660 preclude remand for further proceedings in the trial court on a motion for new trial?

#24-181 *People v. Esparza*, S286465. (B329006; nonpublished opinion; Los Angeles County Superior Court; PA045672.) Petition for review after the Court of Appeal affirmed an order denying a post-judgment motion in a criminal matter.

#24-182 *People v. Scarano*, S286469. (B329064; nonpublished opinion; Los Angeles County Superior Court; BA354702.) 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 *Esparza* and *Scarano* 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.)

#24-183 *People v. Ferreira*, S286528. (C097627; nonpublished opinion; Butte County Superior Court; CM028215.) Petition for review after the Court of Appeal affirmed in part and reversed in part an order granting in part a post-judgment motion in a criminal matter and remanded for further proceedings.

#24-184 *In re J.M.*, S286259. (C099085; 103 Cal.App.5th 745; Sacramento County Superior Court; 22HC00217.) Petition for review after the Court of Appeal reversed an order in a juvenile wardship proceeding and remanded for further proceedings.

The court ordered briefing in *Ferreira* and *J.M.* deferred pending decision in *People v. Lopez*, S281488 (#23-218), which presents the following issue: Is defendant entitled to retroactive application of Assembly Bill No. 333 (2021–2022 Reg. Sess.) where he appeals for a second time after his judgment was conditionally reversed and the Court of Appeal issued a limited remand to the trial court to address sentencing issues?

#24-185 *People v. Martinez*, S286367. (F087204; nonpublished opinion; Kings County Superior Court; 08CM0370HTA.) 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?

#24-186 *People v. Pedroza*, S286541. (D081562; nonpublished opinion; San Diego County Superior Court; SCE376961.) Petition for review after the Court of Appeal affirmed a judgment of conviction of criminal offenses. 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).

#24-187 *People v. Smith*, S286556. (B329390; nonpublished opinion; Los Angeles County Superior Court; KA059149.) Petition for review after the Court of Appeal reversed an order denying a post-judgment motion in a criminal matter and remanded for resentencing. The court ordered briefing deferred pending decision in *People v. Rhodius*, S283169 (#24-34), which presents the following issue: Does Senate Bill No. 483 (Stats. 2021, ch. 728) entitle a defendant to a full resentencing hearing under Penal Code section 1172.75 if the defendant's prior prison term enhancements (Pen. Code, § 667.5, subd. (b)) were imposed and stayed, rather than imposed and executed?

DISPOSITIONS

The following case was transferred for reconsideration in light of *Meinhardt v. City of Sunnyvale* (2024) 16 Cal.5th 643:

#23-35 <i>Richmond Shoreline Alliance v. City of Richmond</i>, S278089	(A166004; nonpublished opinion; Contra Costa County Superior Court; MSN201967)
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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.