



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 25, 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.]

#23-187 *Brown v. City of Inglewood*, S280773. (B320658; 92 Cal.App.5th 1256; Los Angeles County Superior Court; 21STCV30604.) Petition for review after the Court of Appeal affirmed in part and reversed in part an order in a civil action. The court limited review to the following issue: Are elected officials employees for purposes of whistleblower protection under Labor Code section 1102.5, subdivision (b)?

#23-188 *People v. Fletcher*, S281282. (E077553; 92 Cal.App.5th 1374; Riverside County Superior Court; BAF2001566.) Petition for review after the Court of Appeal affirmed in part and reversed in part a judgment of conviction of criminal offenses. The court limited review to the following issues: (1) Does Assembly Bill No. 333 amend the requirements for a true finding on a prior strike conviction (Pen. Code, §§ 667, subds. (b)–(i) & 1170.12, subds. (a)–(d)) and a prior serious felony conviction (Pen. Code, § 667, subd. (a)), or is that determination made on “the date of that prior conviction”? (See Pen. Code, §§ 667, subd. (d)(1) & 1170.12, subd. (b)(1).) (2) Does Assembly Bill No. 333 (Stats. 2021, ch. 699), which modified the criminal street gang statute (Pen. Code, § 186.22), unconstitutionally amend Proposition 21 and Proposition 36, if applied to strike convictions and serious felony convictions?

#23-189 *In re Delila D.*, S281447. (E080389; 93 Cal.App.5th 953; Riverside County Superior Court; RIJ118579.) Petition for review after the Court of Appeal conditionally reversed an order 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?

#23-190 *People v. Farias*, S281027. (C094195; 92 Cal.App.5th 619; Sacramento County Superior Court; 18FE021180.) Petition for review after the Court of Appeal conditionally vacated the sentence in a judgment of conviction of criminal offenses and remanded for further proceedings.

#23-191 *People v. Scott*, S280776. (E078721; 91 Cal.App.5th 1176; Riverside County Superior Court; RIF1604645.) Petition for review after the Court of Appeal affirmed a judgment of conviction of criminal offenses.

The court ordered briefing in *Farias* and *Scott* deferred pending decision in *People v. Fletcher*, S281282 (#23-188), which presents the following issues: (1) Does Assembly Bill No. 333 amend the requirements for a true finding on a prior strike conviction (Pen. Code, §§ 667, subs. (b)–(i) & 1170.12, subs. (a)–(d)) and a prior serious felony conviction (Pen. Code, § 667, subd. (a)), or is that determination made on “the date of that prior conviction”? (See Pen. Code, §§ 667, subd. (d)(1) & 1170.12, subd. (b)(1).) (2) Does Assembly Bill No. 333 (Stats. 2021, ch. 699), which modified the criminal street gang statute (Pen. Code, § 186.22), unconstitutionally amend Proposition 21 and Proposition 36, if applied to strike convictions and serious felony convictions?

#23-192 *People v. Jones*, S281508. (B320040; nonpublished opinion; Los Angeles County Superior Court; YA037935.) Petition for review after the Court of Appeal affirmed an order denying a post-judgment motion in a criminal matter.

#23-193 *People v. Pantoja*, S281228. (F083581; nonpublished opinion; Stanislaus County Superior Court; 1423449.) 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 *Jones* and *Pantoja* deferred pending decision in *People v. Emanuel*, S280551 (#23-174), which 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?

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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.