



Supreme Court of California
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NEWS RELEASE

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FOR IMMEDIATE RELEASE

September 30, 2022

Summary of Cases Accepted and Related Actions During Week of September 26, 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.]

#22-261 *People v. McDavid*, S275940. (D078919; nonpublished; San Diego County Superior Court; SCN363925.) Petition for review after the Court of Appeal modified in part, remanded for resentencing in part, and otherwise affirmed a judgment of conviction of criminal offenses. This case presents the following issue: Does the trial court have discretion to strike a firearm enhancement imposed pursuant to Penal Code section 12022.53 and instead impose a lesser uncharged firearm enhancement pursuant to a different statute (Pen. Code, § 12022.5)?

#22-262 *People v. Wandrey*, S275942. (A161691; 80 Cal.App.5th 962; Sonoma County Superior Court; SCR7209161.) 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 *People v. Catarino*, S271828 (#22-11), which presents the following issue: Does Penal Code section 667.6, subdivision (d), which requires that a “full, separate, and consecutive term” must be imposed for certain offenses if the sentencing court finds that the crimes “involve[d] the same victim on separate occasions,” comply with the Sixth Amendment to the U.S. Constitution?

DISPOSITIONS

The following cases were transferred for reconsideration in light of *People v. Strong* (2022) 13 Cal.5th 698 and *People v. Lewis* (2021) 11 Cal.5th 952:

#21-252 <i>People v. Alexander</i>, S267736	(C091618; nonpublished opinion; Sacramento County Superior Court; 06F00314)
#21-05 <i>People v. Baker</i>, S265564	(E072712; nonpublished opinion; Riverside County Superior Court; CR56701)
#20-388 <i>People v. Benavidez</i>, S265392	(E073092; nonpublished opinion; Riverside County Superior Court; INF065236)
#20-263 <i>People v. Carrera</i>, S263980	(E072781; nonpublished opinion; Riverside County Superior Court; RIF150270)
#21-193 <i>People v. Carter</i>, S267700	(E074159; nonpublished opinion; San Bernardino County Superior Court; FSB03821)
#20-295 <i>People v. Cortez</i>, S264004	(B301016; nonpublished opinion; Ventura County Superior Court; 2004045000)
#21-171 <i>People v. Daley</i>, S266947	(B301243; nonpublished opinion; Los Angeles County Superior Court; SA052445)
#21-142 <i>People v. Doss</i>, S266861	(B300197; nonpublished opinion; Los Angeles County Superior Court; TA013552)
#21-306 <i>People v. Fitzhugh</i>, S268714	(C089261; nonpublished opinion; San Joaquin County Superior Court; STKCRFE20115309)
#20-256 <i>People v. Garrison</i>, S263830	(E072645; nonpublished opinion; Riverside County Superior Court; RIF095477)

#20-319 <i>People v. Handwerk</i>, S264507	(E072738; nonpublished opinion; Riverside County Superior Court; INF065236)
#21-253 <i>People v. Lloyd</i>, S267979	(B299456; nonpublished opinion; Los Angeles County Superior Court; TA019920)
#20-320 <i>People v. Marcus</i>, S264319	(B300883; nonpublished opinion; Los Angeles County Superior Court; YA071844)
#20-176 <i>People v. May</i>, S262510	(E073498; nonpublished opinion; Riverside County Superior Court; RIF100589)
#21-194 <i>People v. McDermott</i>, S267383	(B302013; nonpublished opinion; Los Angeles County Superior Court; SA052445)
#20-342 <i>People v. Olson</i>, S264322	(B300206; nonpublished opinion; Los Angeles County Superior Court; YA018677)
#21-13 <i>People v. Owens</i>, S265897	(E072711; nonpublished opinion; Riverside County Superior Court; INF039223)
#21-155 <i>People v. Reyes</i>, S266962	(B304108; nonpublished opinion; Los Angeles County Superior Court; BA120197)
#21-156 <i>People v. Robson</i>, S267070	(C089152; nonpublished opinion; Sacramento County Superior Court; 04F06813)
#21-296 <i>People v. Ross</i>, S268061	(B304808; nonpublished opinion; Los Angeles County Superior Court; SA120316)

#21-157 <i>People v. Saucedo</i> , S267068	(B301139; nonpublished opinion; Santa Barbara County Superior Court; 1434089)
#20-371 <i>People v. Servin</i> , S265187	(B301690; nonpublished opinion; Los Angeles County Superior Court; BA190204)
#20-303 <i>People v. Thomas</i> , S264345	(E072539; nonpublished opinion; Riverside County Superior Court; INF058881)
#20-349 <i>People v. Thomas</i> , S264808	(E073036; nonpublished opinion; Riverside County Superior Court; RIF080665)
#21-126 <i>People v. Thompson</i> , S266517	(C090225; nonpublished opinion; San Joaquin County Superior Court; STKCRCNV19980016794, SP062695C)
#21-15 <i>People v. Walton</i> , S265961	(E0727770; nonpublished opinion; Riverside County Superior Court; INF039223)
#21-127 <i>People v. Webb</i> , S266614	(C089453; nonpublished opinion; San Joaquin County Superior Court; STKCRCNV199816793)
#20-383 <i>People v. Williams</i> , S265368	(E072975; nonpublished opinion; Riverside County Superior Court; RIF088153)
#20-298 <i>People v. Gomez</i> , S264033	(D076101; 52 Cal.App.5th 1 [non-citable]; Riverside County Superior Court; RIF128455)
#21-40 <i>People v. Jones</i> , S265854	(E072961; 56 Cal.App.5th 474 [non-citable]; Riverside County Superior Court; RIF74986)

#20-175 <i>People v. Law</i>, S262490	(E072845; 48 Cal.App.5th 811 [non-citable]; Riverside County Superior Court; RIF100589)
#20-348 <i>People v. Murillo</i>, S264978	(B297546; 54 Cal.App.5th 160 [non-citable]; Los Angeles County Superior Court; LA010613)
#21-12 <i>People v. Nunez</i>, S265918	(B299065; 57 Cal.App.5th 78 [non-citable]; Los Angeles County Superior Court; YA068856)
#21-341 <i>People v. Secrease</i>, S268862	(A158342; 63 Cal.App.5th 231; Solano County Superior Court; VC43681, FCR307345)

The following cases were transferred for reconsideration in light of *People v. Strong* (2022) 13 Cal.5th 698:

#21-479 <i>People v. Arias</i>, S270555	(D077778; 66 Cal.App.5th 987 [non-citable]; Riverside County Superior Court; RIF111846)
#21-480 <i>People v. Pineda</i>, S270513	(H047709; 66 Cal.App.5th 792 [non-citable]; Santa Clara County Superior Court; CC319535)
#22-37 <i>People v. Price</i>, S272572	(A159439; 71 Cal.App.5th 1128 [non-citable]; Contra Costa County Superior Court; 51103373)
#21-446 <i>People v. Simmons</i>, S270048	(F079610; 65 Cal.App.5th 739 [non-citable]; Fresno County Superior Court; CF94520777)
#21-568 <i>People v. Wilson</i>, S271604	(D078231; 69 Cal.App.5th 665 [non-citable]; San Diego County Superior Court; SCD145049)

Review in the following cases, which were granted and held for *People v. Strong* (2022) 13 Cal.5th 698 and *People v. Lewis* (2021) 11 Cal.5th 952, was dismissed:

#21-415 <i>People v. Gonzalez</i>, S269792	(G057502; 65 Cal.App.5th 420; Orange County Superior Court; 99CF0831)
#21-214 <i>People v. Harris</i>, S267802	(B300410; 60 Cal.App.5th 939; Los Angeles Superior Court; YA023031)
#20-192 <i>People v. Smith</i>, S262835	(B298642; 49 Cal.App.5th 85; Los Angeles County Superior Court; BA042241)
#20-351 <i>People v. York</i>, S264954	(B298635; 54 Cal.App.5th 250; Los Angeles County Superior Court; BA042241)

The following cases were transferred for reconsideration in light of *People v. Lewis* (2021) 11 Cal.5th 952:

#20-201 <i>People v. Garrett</i>, S262787	(B298495; nonpublished opinion; Los Angeles County Superior Court; A955129)
#21-92 <i>People v. Carroll</i>, S266679	(B299815; nonpublished opinion; Los Angeles County Superior Court; BA203327)

Review in the following cases, which were granted and held for *People v. Lewis* (2021) 11 Cal.5th 952, was dismissed:

#21-388 <i>People v. Marshall</i>, S269481	(E073810; nonpublished opinion; Inyo County Superior Court; ICSICRF198213646)
#21-80 <i>People v. Muhammad</i>, S266455	(B297043; nonpublished opinion; Los Angeles County Superior Court; YA003421)
#21-81 <i>People v. Rodriguez</i>, S266627	(B301849; nonpublished opinion; Los Angeles County Superior Court; A638496)
#21-290 <i>People v. Rubio</i>, S268239	(C090823; nonpublished opinion; Shasta County Superior Court; 98F2652)

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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.