



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

October 4, 2024

Summary of Cases Accepted and Related Actions During Week of September 30, 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.]

#24-188 *People v. Cofer*, S286297. (H050122; 103 Cal.App.5th 333; Monterey County Superior Court; 20CR010763.) Petition for review after the Court of Appeal reversed a judgment of conviction of criminal offenses and remanded for further proceedings. This case presents the following issue: When a defendant is sentenced to concurrent terms on multiple cases jointly resolved at a single hearing, does Penal Code section 2900.5, subdivision (b) entitle the defendant to duplicative presentence custody credits for time spent in custody on one or more of the cases, but not others?

#24-189 *People v. Esquivias*, S286371. (B329800; 103 Cal.App.5th 969; Los Angeles County Superior Court; PA077370.) Petition for review after the Court of Appeal affirmed an order granting in part and denying in part a post-judgment motion in a criminal matter. This case presents the following issue: Does the issuance of an order to show cause to review one aspect of a defendant's sentence in habeas corpus proceedings render applicable all ameliorative laws taking effect after the defendant's judgment became final?

#24-190 *People v. Morgan*, S286493. (A166435; 103 Cal.App.5th 488; Sonoma County Superior Court; SCR7469261.) 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 resentencing. This case presents the following issue: Is assault (Pen. Code, § 240) a necessarily included lesser offense of resisting an executive officer by force or violence (Pen. Code, § 69, subd. (a))?

#24-191 *People v. Harris*, S286668. (B323462; nonpublished opinion; Los Angeles County Superior Court; BA436057.) 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 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?

#24-192 *People v. Hernandez*, S286527. (G063586; 103 Cal.App.5th 981; Riverside County Superior Court; SWF1100946.) Petition for review after the Court of Appeal affirmed an order granting a post-judgment motion in a criminal matter and remanded with directions. The court ordered briefing deferred pending decision in *People v. Montgomery*, S284662 (#24-87), which presents the following issue: Is the prosecution entitled to rescind a plea agreement when a defendant receives a full resentencing pursuant to Senate Bill No. 483 (Stats. 2021, ch. 728) and the trial court intends to reduce the sentence beyond eliminating the prior prison term enhancements (Pen. Code, § 667.5, subd. (b))?

#24-193 *People v. Lopez*, S286631. (E081552; nonpublished opinion; San Bernardino County Superior Court; FSB1400030.) 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 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.)

#24-194 *Salami v. Los Robles Regional Medical Center*, S286557. (B327348; 103 Cal.App.5th 1023; Ventura County Superior Court; 56-2021-00560715-CU-BC-VTA.) Petition for review after the Court of Appeal affirmed the judgment in a civil action. The court ordered briefing deferred pending decision in *Capito v. San Jose Healthcare System*, S280018 (#23-156), which presents the following issue: Does a hospital have a duty to disclose emergency room fees to patients beyond its statutory duty to make its chargemaster publicly available?

#24-195 *People v. Titus*, S286387. (D083338; nonpublished opinion; San Diego County Superior Court; SCD125595.) 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?

SEPARATE STATEMENT ON DENIAL OF REVIEW

Baker v. Superior Court, S286009. (A170798; nonpublished order; San Mateo County Superior Court; 17SF006389.) Petition for review after the Court of Appeal denied a petition for writ of mandate, habeas corpus, or other equitable relief.

DISPOSITIONS

The following cases were transferred for reconsideration in light of *People v. Lynch* (2024) 16 Cal.5th 730:

#22-290 <i>People v. Campos-Cervantes</i>, S276842	(H049194; nonpublished opinion; Monterey County Superior Court; 20CR006576)
#22-249 <i>People v. Fields</i>, S275607	(F083476; nonpublished opinion; Fresno County Superior Court; F21900886)
#22-308 <i>People v. Green</i>, S277265	(C094752; nonpublished opinion; Yuba County Superior Court; CRF202660)
#22-268 <i>People v. Marzetta</i>, S276244	(C093766; nonpublished opinion; Sacramento County Superior Court; 19FE018634, 20FE004246)
#22-258 <i>People v. Perez</i>, S275987	(E078155; nonpublished opinion; Riverside County Superior Court; SWF1707851)
#22-292 <i>People v. Robinson</i>, S276746	(F082378; nonpublished opinion; Tulare County Superior Court; PCF397760)
#22-250 <i>People v. Thornton</i>, S275771	(F083218; nonpublished opinion; Fresno County Superior Court; F17905508)
#22-259 <i>People v. Tooker</i>, S275975	(A163332; nonpublished opinion; Marin County Superior Court; SC197709A)

The following cases were transferred for reconsideration in light of *People v. McCune* (2024) 16 Cal.5th 980:

#24-17 <i>People v. Eaton</i>, S283102	(H050146; nonpublished opinion; Santa Cruz County Superior Court; 18CR07956)
#24-90 <i>People v. Escobar</i>, S284401	(B327727; nonpublished opinion; Los Angeles County Superior Court; VA149861)

Review in the following cases, which were granted and held for *People v. McCune* (2024) 16 Cal.5th 980, was dismissed:

#24-89 <i>People v. Andrews</i>, S284631	(A167801; nonpublished opinion; Contra Costa County Superior Court; 012201567)
#23-117 <i>People v. Bui</i>, S279880	(H049109; nonpublished opinion; Santa Clara County Superior Court; C1489386)
#24-21 <i>People v. Orozco</i>, S283247	(A164946; nonpublished opinion; Sonoma County Superior Court; SCR7205614)

People v. Halvorsen, S190636, an automatic appeal, was abated upon the death of the appellant.

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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.