



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 October 9, 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.]

#23-194 *People v. Brooks*, S281645. (A165428; nonpublished opinion; Alameda County Superior Court; 143257A.) Petition for review after the Court of Appeal affirmed an order denying a post-judgment motion in a criminal matter.

#23-195 *People v. Edwards*, S281505. (F083956; nonpublished opinion; Tulare County Superior Court; VCF300146.) Petition for review after the Court of Appeal affirmed a judgment of conviction of a criminal offense.

#23-196 *People v. Etherton*, S281389. (C093209; nonpublished opinion; San Joaquin County Superior Court; LODCRFECOD20170000572.) Petition for review after the Court of Appeal modified and affirmed a judgment of conviction of criminal offenses.

The court ordered briefing in *Brooks*, *Edwards*, and *Etherton* deferred pending decision in *People v. Hardin*, S277487 (#23-1), which presents the following issues: (1) Does Penal Code section 3051, subdivision (h), violate the Equal Protection Clause of the Fourteenth Amendment by excluding young adults sentenced to life without the possibility of parole from youth offender parole consideration, while young adults sentenced to parole-eligible terms are entitled to such consideration? (2) Whether the first step of the two-part inquiry used to evaluate equal protection claims, which asks whether two or more groups are similarly situated for the purposes of the law challenged, should be eliminated in cases concerning disparate treatment of classes or groups of persons, such that the only inquiry is whether the challenged classification is adequately justified under the applicable standard of scrutiny?

#23-197 *People v. Carbajal*, S281337. (C097129; nonpublished opinion; Yuba County Superior Court; CRF1900725.) Petition for review after the Court of Appeal affirmed an

order revoking probation in a criminal matter. The court ordered briefing deferred pending decision in *People v. Mitchell*, S277314 (#22-305), which presents the following issue: Does Senate Bill No. 567 (Stats. 2021, ch. 731), which limits a trial court's discretion to impose upper term sentences, apply retroactively to defendants sentenced pursuant to stipulated plea agreements?

#23-198 *People v. Eastland*, S281708. (B320193; nonpublished opinion; Los Angeles County Superior Court; BA453067.) 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. 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?

#23-199 *People v. Johnson*, S281697. (H049257; nonpublished opinion; Monterey County Superior Court; 18CR010752.) Petition for review after the Court of Appeal affirmed in part and reversed in part a judgment of conviction of criminal offenses. The court ordered briefing 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)? and pending decision in *People v. Salazar*, S275788 (#22-264), which presents the following issue: Did the Court of Appeal err by finding the record clearly indicates the trial court would not have imposed a low term sentence if it had been fully aware of its discretion under newly-added subdivision (b)(6) of Penal Code section 1170? (See *People v. Gutierrez* (2014) 58 Cal.4th 1354, 1391.)

#23-200 *In re N.L.*, S281741. (E080557; nonpublished opinion; Riverside County Superior Court; SWJ1900380.) Petition for review after the Court of Appeal affirmed 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?

#23-201 *People v. Pickett*, S281643. (B320892; 93 Cal.App.5th 982; Los Angeles County Superior Court; A020654.) 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. 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.)

#23-202 *People v. Villegas*, S281661. (H050260; nonpublished opinion; Monterey County Superior Court; 21CR010223.) Petition for review after the Court of Appeal affirmed a judgment of conviction of a criminal offense. The court ordered briefing deferred pending decision in *People v. Walker*, S278309 (#23-50), which presents the following issue: Does the amendment to Penal Code section 1385, subdivision (c) that requires trial courts to “afford great weight” to enumerated mitigating circumstances (Stats. 2021, ch. 721) create a rebuttable presumption in favor of dismissing an enhancement unless the trial court finds dismissal would endanger public safety?

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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.