



Supreme Court of California  
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**NEWS RELEASE**

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**FOR IMMEDIATE RELEASE**

October 20, 2023

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## Summary of Cases Accepted and Related Actions During Week of October 16, 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.]*

**#23-203 *People v. Antonelli*, S281599.** (B321947; 93 Cal.App.5th 712; Ventura County Superior Court; CR27515-2.) Petition for review after the Court of Appeal affirmed an order denying a post-judgment motion in a criminal matter. This case presents the following issues: (1) Is defendant entitled to resentencing pursuant to Penal Code section 1172.6 on the ground that malice could be imputed to the defendant under the provocative act theory of murder for convictions occurring before 2009 (see Sen. Bill No. 775 (2021-2022 Reg. Sess.); *People v. Concha* (2009) 47 Cal.4th 653)? (2) Did the trial court err by not considering the jury instructions in determining defendant was ineligible for resentencing as a matter of law for a provocative act murder?

**#23-204 *Rosenberg-Wohl v. State Farm Fire and Casualty Company*, S281510.** (A163848; 93 Cal.App.5th 436; San Francisco County Superior Court; CGC20587264.) Petition for review after the Court of Appeal affirmed the judgment in a civil action. The court limited review to the following issue: When a plaintiff files an action against the plaintiff's insurer for injunctive relief under the Unfair Competition Law, which limitations period applies, the one-year limitations period authorized by Insurance Code section 2071 or the four-year statute of limitations in Business and Professions Code section 17208?

**#23-205 *People v. Parker*, S281258.** (F085642; nonpublished opinion; Merced County Superior Court; SUF23393B.) 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. 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?

### DISPOSITIONS

Review in the following cases, which were granted and held for *People v. Reyes* (2023) 14 Cal.5th 981, was dismissed:

<b>#23-59 <i>People v. Bryant</i>, S278248</b>	(B319417; nonpublished opinion; Los Angeles County Superior Court; A648829)
<b>#23-130 <i>People v. Didyavong</i>, S280047</b>	(D079712; 90 Cal.App.5th 85; San Diego County Superior Court; SCD142894)
<b>#23-34 <i>People v. Garcia</i>, S278132</b>	(E077916; nonpublished opinion; Riverside County Superior Court; CR47377)
<b>#23-60 <i>People v. Garcia</i>, S278608</b>	(G060701; nonpublished opinion; Orange County Superior Court; 01NF1540)
<b>#22-173 <i>People v. Lopez</i>, S274160</b>	(H047254; nonpublished opinion; Monterey County Superior Court; SS121859)
<b>#23-152 <i>People v. Lozano</i>, S280530</b>	(B316659; nonpublished opinion; Los Angeles County Superior Court; LA044143)
<b>#22-278 <i>People v. Mejico</i>, S276225</b>	(B311150; nonpublished opinion; Los Angeles County Superior Court; KA033116)

<b>#23-127 <i>People v. Mendez</i>, S279762</b>	(B318512; nonpublished opinion; Los Angeles County Superior Court; KA004460)
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The following case was transferred for reconsideration in light of *People v. Gray* (2023) 15 Cal.5th 152:

<b>#23-11 <i>People v. Downs</i>, S277322</b>	(B315593; nonpublished opinion; Los Angeles County Superior Court; TA150279)
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Review in the following case was dismissed at the joint request of the parties in light of the settlement of the matter:

<b>#22-229 <i>Pacific Fertility Cases</i>, S275134</b>	(A164472; 78 Cal.App.5th 568; San Francisco County Superior Court; CJC19005021)
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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.*