



Supreme Court of California
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NEWS RELEASE

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FOR IMMEDIATE RELEASE

October 21, 2022

Summary of Cases Accepted and Related Actions During Week of October 17, 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.]

#22-275 *People v. Clark*, S275746. (E075532; 81 Cal.App.5th 133; Riverside County Superior Court; RIF1503800.) Petition for review after the Court of Appeal modified and affirmed a judgment of conviction of criminal offenses. The court limited review to the following issue: Can the People meet their burden of establishing a “pattern of criminal gang activity” under Penal Code section 186.22 as amended by Assembly Bill No. 333 (Stats. 2021, ch. 699) by presenting evidence of individual gang members committing separate predicate offenses, or must the People provide evidence of two or more gang members working in concert with each other during each predicate offense?

#22-276 *People v. Rojas*, S275835. (F080361; 80 Cal.App.5th 542; Kern County Superior Court; BF171239B.) Petition for review after the Court of Appeal affirmed in part and conditionally reversed in part a judgment of conviction of criminal offenses and remanded for further proceedings. The court limited review to the following issue: Does Assembly Bill No. 333 (Stats. 2021, ch. 699) unconstitutionally amend Proposition 21, if applied to the gang-murder special circumstance (Pen. Code, § 190.2, subd. (a)(22))?

#22-277 *People v. Lee*, S275449. (B300756, B305493; nonpublished opinion; Los Angeles County Superior Court; GA101244.) Petitions for review after the Court of Appeal affirmed in part and conditionally reversed in part judgments of conviction of criminal offenses and remanded for further proceedings. The court ordered briefing deferred pending decision in *People v. Rojas*, S275835 (#22-276), which presents the following issue: Does Assembly Bill No. 333 (Stats. 2021, ch. 699) unconstitutionally amend Proposition 21, if applied to the gang-murder special circumstance (Pen. Code, § 190.2, subd. (a)(22))? and pending decision in *People v. Burgos*, S274743 (#22-194), which presents the following issue: Does the provision of Penal Code section 1109

governing the bifurcation at trial of gang enhancements from the substantive offense or offenses apply retroactively to cases that are not yet final?

#22-278 *People v. Mejico*, S276225. (B311150; nonpublished opinion; Los Angeles County Superior Court; KA033116.) 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. Reyes*, S270723 (#21-509), which presents the following issue: Does substantial evidence support the superior court's finding that petitioner is ineligible for relief under Penal Code section 1170.95?

#22-279 *People v. Nunez*, S275838. (F080359; nonpublished opinion; Kern County Superior Court; BF171239A.) Petition for review after the Court of Appeal conditionally reversed a judgment of conviction of criminal offenses and remanded for further proceedings. The court ordered briefing deferred pending decision in *People v. Rojas*, S275835 (#22-276), which presents the following issue: Does Assembly Bill No. 333 (Stats. 2021, ch. 699) unconstitutionally amend Proposition 21, if applied to the gang-murder special circumstance (Pen. Code, § 190.2, subd. (a)(22))?

DISPOSITIONS

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

#21-455 <i>People v. Bishop</i>, S270191	(E075148; nonpublished opinion; Riverside County Superior Court; RIF74986)
#21-490 <i>People v. Bloxton</i>, S270612	(B307556; nonpublished opinion; Los Angeles County Superior Court; NA018339)
#21-456 <i>People v. Bobo</i>, S270181	(E075148; nonpublished opinion; Riverside County Superior Court; RIF74986)
#21-491 <i>People v. Brightmon</i>, S270642	(E074478; nonpublished opinion; Riverside County Superior Court; CR66248)

#21-492 <i>People v. Carrera</i>, S270523	(C091533; nonpublished opinion; Sacramento County Superior Court; 06F00314)
#21-468 <i>People v. Carter</i>, S270490	(D078024; nonpublished opinion; San Diego; SCD137023)
#21-273 <i>People v. Chavez</i>, S268528	(E074718; nonpublished opinion; Riverside County Superior Court; CR46579)
#21-420 <i>In re Coles</i>, S269973	(F079172; nonpublished opinion; Merced County Superior Court; SUF23393A)
#21-421 <i>In re Contreras</i>, S270036	(F078975; nonpublished opinion; Tulare County Superior Court; VHC376176)
#21-118 <i>People v. Davalos</i>, S266678	(B304384; nonpublished opinion; Los Angeles County Superior Court; BA110432)
#21-257 <i>People v. Dean</i>, S268295	(E073669; nonpublished opinion; San Bernardino County Superior Court; FSB060072)
#21-402 <i>People v. Dunson</i>, S269645	(E074818; nonpublished opinion; Riverside County Superior Court; INF065236)
#21-493 <i>People v. Dyer</i>, S270620	(F079609; nonpublished opinion; Fresno County Superior Court; CF02902077)
#21-274 <i>People v. Enriquez</i>, S268508	(E074943; nonpublished opinion; Riverside County Superior Court; RIF120947)

#21-422 <i>People v. Harris</i> , S269852	(F079745; nonpublished opinion; Fresno County Superior Court; CF91445056)
#21-179 <i>People v. Hawkins</i> , S267365	(E074686; nonpublished opinion; Riverside County Superior Court; CR58553)
#21-494 <i>People v. Henry</i> , S270643	(C091428; nonpublished opinion; Sacramento County Superior Court; 13F04938)
#21-423 <i>People v. Jones</i> , S269563	(C089456; nonpublished opinion, San Joaquin County Superior Court; STKCRFE19950005970, SUF23393A)
#21-495 <i>People v. Larrea</i> , S270629	(F081268; nonpublished opinion; Kern County Superior Court; BF131238A)
#21-444 <i>People v. Maraglino</i> , S270039	(D077746; nonpublished opinion; San Diego County Superior Court; SCN304686)
#21-469 <i>People v. Martinez-Costa</i> , S270385	(C089499; nonpublished opinion; Sacramento County Superior Court; 12F00180)
#21-403 <i>People v. Mathis</i> , S269676	(E074933; nonpublished opinion; Riverside County Superior Court; CR50362)
#21-276 <i>People v. McKinley</i> , S267981	(E074721; nonpublished opinion; Riverside County Superior Court; CR61388)
#21-314 <i>People v. Miner</i> , S268685	(B301803; nonpublished opinion; Los Angeles County Superior Court; LA044952)

#21-470 <i>People v. Parker</i> , S270407	(E074742; nonpublished opinion; Riverside County Superior Court; ICR22535)
#21-445 <i>People v. Perez</i> , S270034	(F079351; nonpublished opinion; Merced County Superior Court; SUF18323B)
#21-378 <i>People v. Pierson</i> , S269434	(E074662; nonpublished opinion; Riverside County Superior Court; RIF101528)
#21-460 <i>People v. Portillo</i> , S270280	(B298967; nonpublished opinion; Los Angeles County Superior Court; KA030961)
#21-404 <i>People v. Purcell</i> , S269540	(B307038; nonpublished opinion; Los Angeles County Superior Court; VA073043)
#21-370 <i>People v. Reese</i> , S269236	(B391473; nonpublished opinion; Los Angeles County Superior Court; BA230274)
#21-259 <i>People v. Roberts</i> , S268223	(E074745; nonpublished opinion; Riverside County Superior Court; RIF078601)
#21-534 <i>People v. Robinson</i> , S271109	(C091744; nonpublished opinion; Sacramento County Superior Court; 95F04763)
#21-418 <i>People v. Solano</i> , S269793	(B303993; nonpublished opinion; Los Angeles County Superior Court; KA042134)
#21-419 <i>People v. Torkelson</i> , S269769	(D078237; nonpublished opinion; San Diego County Superior Court; SCD193624)

#21-462 <i>People v. Trout</i> , S269768	(E074623; nonpublished opinion; Riverside County Superior Court; CR62591)
#21-393 <i>People v. Varela</i> , S268842	(E075562; nonpublished opinion; Riverside County Superior Court; CR58553)

The following case was transferred for reconsideration in light of Senate Bill No. 775 (Stats. 2021, ch. 551):

#21-497 <i>People v. Chavez</i> , S270558	(B304341; nonpublished opinion; Los Angeles County Superior Court; LA036362)
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The following cases were transferred for reconsideration in light of *People v. Strong* (2022) 13 Cal.5th 698 and Senate Bill No. 775 (Stats. 2021, ch. 551):

#21-195 <i>People v. Christon</i> , S267449	(B301998, B306635; nonpublished opinion; Los Angeles County Superior Court; BA310312)
#21-196 <i>People v. Moeum</i> , S267533	(B300707; nonpublished opinion; Los Angeles County Superior Court; TA111652)

The following case was transferred for reconsideration in light of *People v. Strong* (2022) 13 Cal.5th 698, *People v. Lewis* (2021) 11 Cal.5th 952, and Senate Bill No. 775 (Stats. 2021, ch. 551):

#20-377 <i>People v. Pardo</i> , S265232	(B303150; nonpublished opinion; Los Angeles County Superior Court; KA034850)
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The following case was transferred for reconsideration in light of *People v. Lewis* (2021) 11 Cal.5th 952:

<p>#21-96 <i>People v. Palacios</i>, S266701</p>	<p>(E074054; 58 Cal.App.5th 845 [non-citable]; San Bernardino County Superior Court; FVA04210)</p>
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The following case was transferred for reconsideration in light of *People v. Strong* (2022) 13 Cal.5th 698 and *People v. Lewis* (2021) 11 Cal.5th 952:

<p>#20-202 <i>People v. Phillips</i>, S263008</p>	<p>(E072762; nonpublished opinion; Riverside County Superior Court; RIF079858)</p>
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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.