



Supreme Court of California
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NEWS RELEASE

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FOR IMMEDIATE RELEASE

October 25, 2024

Summary of Cases Accepted and Related Actions During Week of October 21, 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.]

#24-204 *Long v. City of Exeter*, S286705. (B316324; nonpublished opinion; San Luis Obispo County Superior Court; 17CV0529.) Petition for review after the Court of Appeal reversed the judgment in a civil action. This case presents the following issue: If a police department elects to sell a patrol canine that the department has trained to attack people, do the department officials responsible for oversight of the patrol canine program have a duty to warn the purchaser about precautions that must be taken in order to prevent the animal from killing or injuring members of the public?

#24-205 *People v. Alvarez*, S286909. (F087027; nonpublished opinion; Merced County Superior Court; 20CR-02663.) Petition for review after the Court of Appeal modified and affirmed a judgment of conviction of criminal offenses and remanded with directions. The court ordered briefing deferred pending decision in *People v. Fletcher*, S281282 (#23-188), which presents the following issues: (1) Does Assembly Bill No. 333 amend the requirements for a true finding on a prior strike conviction (Pen. Code, §§ 667, subs. (b)–(i) & 1170.12, subs. (a)–(d)) and a prior serious felony conviction (Pen. Code, § 667, subd. (a)), or is that determination made on “the date of that prior conviction”? (See Pen. Code, §§ 667, subd. (d)(1) & 1170.12, subd. (b)(1).) (2) Does Assembly Bill No. 333 (Stats. 2021, ch. 699), which modified the criminal street gang statute (Pen. Code, § 186.22), unconstitutionally amend Proposition 21 and Proposition 36, if applied to strike convictions and serious felony convictions?

#24-206 *People v. Buckley*, S286978. (B324582; nonpublished opinion; Los Angeles County Superior Court; LA030841.) Petition for review after the Court of Appeal reversed a post-judgment order in a criminal matter and remanded for resentencing.

#24-207 *People v. Moore*, S286902. (B331126; nonpublished opinion; Los Angeles County Superior Court; KA037355.) 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 in *Buckley* and *Moore* 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?

#24-208 *Costa-Fleeson v. Americor Funding*, S286683. (G062962; nonpublished opinion; Orange County Superior Court; 30-2023-01305561.) Petition for review after the Court of Appeal affirmed an order in a civil action. The court ordered briefing deferred pending decision in *Hohenshelt v. Superior Court*, S284498 (#24-98), which presents the following issue: Does the Federal Arbitration Act (9 U.S.C. § 1 et seq.) preempt state statutes prescribing the procedures for paying arbitration fees and providing for forfeiture of the right to arbitrate if timely payment is not made by the party who drafted the arbitration agreement and who is required to pay such fees?

#24-209 *People v. Espino*, S286987. (H051258; 104 Cal.App.5th 188; Santa Clara County Superior Court; C1761121.) 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? and 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))?

#24-210 *People v. Garcia*, S286914. (H050818; nonpublished opinion; Santa Clara County Superior Court; C1247403.) 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?

DISPOSITIONS

The following cases were transferred for reconsideration in light of *In re Dezi C.* (2024) 16 Cal.5th 1112:

#23-51 <i>In re An. L.</i>, S278127	(B315986; nonpublished opinion; Los Angeles County Superior Court; 20CCJP01456)
#24-166 <i>In re A.G.</i>, S285658	(B331398; nonpublished opinion; Los Angeles County Superior Court; 22CCJP02589)
#23-52 <i>In re Athena R.</i>, S278121	(B318751; nonpublished opinion; Los Angeles County Superior Court; 19CCJP05249)
#23-38 <i>In re D.D.</i>, S278070	(B319941; nonpublished opinion; Los Angeles County Superior Court; 18CCJP02204)
#22-316 <i>In re E.T.</i>, S277264	(B315104; nonpublished opinion; Los Angeles County Superior Court; 19CCJP05355)
#22-271 <i>In re G.A.</i>, S276056	(C094857; 81 Cal.App.5th 355 [non-citable]; San Joaquin County Superior Court; STKJVDP20190000302)
#23-13 <i>In re M.G.</i>, S277633	(B317366; nonpublished opinion; Los Angeles County Superior Court; 19CCJP03978)
#22-272 <i>In re M.M.</i>, S276099	(B315997; 81 Cal.App.5th 61 [non-citable]; Los Angeles County Superior Court; 19CCJP00228)
#24-129 <i>In re M.R.</i>, S285329	(B331295; nonpublished opinion; Los Angeles County Superior Court; 22CCJP00891A)

#24-96 <i>In re Ryder S.</i>, S284423	(B330204; nonpublished opinion; Los Angeles County Superior Court; 22CCJP01821)
#22-273 <i>In re R.T.</i>, S275866	(B315541; nonpublished opinion; Los Angeles County Superior court; 19CCJP05312)
#23-88 <i>In re Tyler C.</i>, S279071	(B316341; nonpublished opinion; Los Angeles County Superior Court; 18LJJP00613)
#23-74 <i>In re X.R.</i>, S278928	(B318808; nonpublished opinion; Los Angeles County Superior Court; 20CCJP05092A)
#22-317 <i>In re Z.C.</i>, S277229	(C094803; nonpublished opinion; Yolo County Superior Court; JV20193243)

The following case was transferred for reconsideration in light of *Stone v. Alameda Health System* (2024) 16 Cal.5th 1040:

#23-255 <i>Krug v. Board of Trustees of California State University</i>, S282131	(B320588; 94 Cal.App.5th 1158 [non-citable]; Los Angeles County Superior Court; 21STCV14538)
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The following case was transferred for reconsideration in light of *Turrieta v. Lyft, Inc.* (2024) 16 Cal.5th 664:

#23-240 <i>Accurso v. In-N-Out Burgers</i>, S282173	(A165320; 94 Cal.App.5th 1128, mod. 95 Cal.App.5th 931b [non-citable]; Sonoma County Superior Court; SCV268956)
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Review in the following cases, which were granted and held for *Turrieta v. Lyft, Inc.* (2024) 16 Cal.5th 664, was dismissed:

#24-140 <i>Gonzalez v. Aluminum Precision Products</i>, S285618	(B327278; nonpublished opinion; Ventura County Superior Court; 56-2022-00571822-CU-OE-VTA)
#22-294 <i>Porras v. Chipotle Services, LLC</i>, S276866	(F081113, F081670; nonpublished opinion; Stanislaus County Superior Court; CV-19-000937)

Review in the following cases, which were granted and held for *People v. Walker* (2024) 16 Cal.5th 1024, was dismissed:

#23-75 <i>People v. Anderson</i>, S278786	(B320627; 88 Cal.App.5th 233; Los Angeles County Superior Court; GA073706)
#24-24 <i>People v. Anderson</i>, S283330	(H050145; nonpublished opinion; Santa Cruz County Superior Court; F25697)
#23-136 <i>People v. Billings</i>, S280300	(F084844; nonpublished opinion; Fresno County Superior Court; F19904880)
#24-123 <i>People v. Branks</i>, S285110	(A166571; nonpublished opinion; Napa County Superior Court; 18CR004041)
#23-83 <i>People v. Deaton</i>, S278914	(C095776; nonpublished opinion; Yolo County Superior Court; CRF20211506)
#23-208 <i>People v. Graham</i>, S281862	(A165018; nonpublished opinion; Solano County Superior Court; FCR347124)
#24-25 <i>People v. Jimenez</i>, S283310	(A165743; nonpublished opinion; Alameda County Superior Court; 19CR016234B)

#24-111 <i>People v. Lagahit</i>, S284886	(A165366; nonpublished opinion; Solano County Superior Court; FCR353297)
#24-26 <i>People v. Mazur</i>, S283229	(D081331; 97 Cal.App.5th 438; San Diego County Superior Court; SCD261283)
#24-14 <i>People v. Ordonez</i>, S283045	(H050253; nonpublished opinion; Monterey County Superior Court; 21CR008104)
#23-73 <i>People v. Ortiz</i>, S278894	(H049698; 87 Cal.App.5th 1087; Monterey County Superior Court; 21CR006264)
#24-7 <i>People v. Ponder</i>, S282925	(A166053; 96 Cal.App.5th 1042; Alameda County Superior Court; 617371)
#24-125 <i>People v. Pruitt</i>, S285346	(C097890; nonpublished opinion; Sacramento County Superior Court; 10F06215)
#24-8 <i>People v. Ramirez</i>, S282985	(F084555; nonpublished opinion; Tulare County Superior Court; VCF331361B)
#23-229 <i>People v. Ramirez Perez</i>, S282016	(F084242; nonpublished opinion; Kern County Superior Court; LF013561A)
#24-27 <i>People v. Reynolds</i>, S283254	(G062226; nonpublished opinion; Orange County Superior Court; 14WF3283)
#23-202 <i>People v. Villegas</i>, S281661	(H050260; nonpublished opinion; Monterey County Superior Court; 21CR010223)

#24-150 <i>People v. Walker</i> , S285745	(A166719; nonpublished opinion; San Francisco County Superior Court; SCN231245)
#24-85 <i>People v. Wright</i> , S284377	(E079168; nonpublished opinion; San Bernardino County Superior Court; FVI21003194)

The following cases were transferred for reconsideration in light of *People v. Walker* (2024) 16 Cal.5th 1024:

#24-124 <i>People v. Diaz</i> , S285158	(B327446; nonpublished opinion; Los Angeles County Superior Court; KA113304)
#24-126 <i>People v. Scott</i> , S285274	(B329087; nonpublished opinion; Los Angeles County Superior Court; YA029914)

STATUS

#24-50 *People v. Superior Court (Guevara)*, S283305. The court requested supplemental briefing on whether defendants qualify as “presently serving an indeterminate term” under Penal Code section 1170.126 if they were serving such a term on the effective date of the statute, or only if they are currently serving such an indeterminate term.

#23-153 *In re Ja.O.*, S280572. The court directed the parties to file supplemental briefs addressing the significance, if any, of Assembly Bill No. 81 (2023–2024 Reg. Sess.), enacted as Stats. 2024, ch. 656, to the issues presented in this case.

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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.