



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 23, 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.]

#23-206 *People v. Cervantes*, S281898. (H048986; nonpublished opinion; Santa Clara County Superior Court; C1775222.) 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. Reynoza*, S273797 (#22-120), which presents the following issue: Does Penal Code section 136.1, subdivision (b)(2), which prohibits dissuading or attempting to dissuade a victim or witness from causing a charging document “to be sought and prosecuted, and assisting in the prosecution thereof,” encompass attempts to dissuade a victim or witness after a charging document has been filed?

#23-207 *In re D.L.*, S281938. (B321015; nonpublished opinion; Los Angeles County Superior Court; MJ24058.) Petition for review after the Court of Appeal affirmed orders in a juvenile wardship proceeding. 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?

#23-208 *People v. Graham*, S281862. (A165018; nonpublished opinion; Solano County Superior Court; FCR347124.) Petition for review after the Court of Appeal affirmed a judgment of conviction of criminal offenses. 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?

#23-209 *Kielar v. Superior Court (Hyundai Motor America)*, S281937. (C096773; 94 Cal.App.5th 614; Placer County Superior Court; SCV0048230.) Petition for review after the Court of Appeal granted a petition for peremptory writ of mandate. The court ordered briefing deferred pending decision in *Ford Motor Warranty Cases*, S279969 (#23-148), which presents the following issue: Do manufacturers' express or implied warranties that accompany a vehicle at the time of sale constitute obligations arising from the sale contract, permitting manufacturers to enforce an arbitration agreement in the contract pursuant to equitable estoppel?

#23-210 *People v. Navarro*, S281324. (B321066; nonpublished opinion; Los Angeles County Superior Court; NA082399.) 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. Curiel*, S272238 (#22-23), which presents the following issue: Does a jury's true finding on a gang-murder special circumstance (Pen. Code, § 190.2, subd. (a)(22)) preclude a defendant from making a prima facie showing of eligibility for resentencing under Penal Code section 1170.95?

#23-211 *People v. Stafford*, S281826. (F083132; nonpublished opinion; Kern County Superior Court; BF181543A.) 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 decisions in *People v. Bankston*, S044739, and *People v. Hin*, S141519, both automatic appeals, which include an issue involving the retroactivity of the provision in Assembly Bill No. 2799 (Stats. 2022, ch. 973) limiting the admissibility of creative expressions (Evid. Code, § 352.2).

DISPOSITIONS

Review in the following cases, which were granted and held for *People v. Braden* (2023) 14 Cal.5th 791, was dismissed:

#21-532 <i>People v. Rodriguez</i>, S270895	(D078183; 68 Cal.App.5th 584; San Diego County Superior Court; SCD276622)
#21-365 <i>People v. Wade</i>, S268936	(C090655; nonpublished opinion Sacramento County Superior Court; 18FE019068)
#22-68 <i>People v. Weith</i>, S272860	(A155950; nonpublished opinion; San Francisco County Superior Court; SCN229297)

The following cases were transferred for reconsideration in light of *People v. Braden* (2023) 14 Cal.5th 791:

#21-364 <i>People v. Curry</i> , S267394	(C090409; 62 Cal.App.5th 314 [non-citable]; Butte County Superior Court; 17CF03707)
#23-105 <i>People v. Sanchez</i> , S279423	(D080380; nonpublished opinion; Riverside County Superior Court; RIF2002495)

STATUS

#21-447 *People v. Graham*, S269509. In this case, in which briefing was previously deferred pending decision in *People v. Braden* (2023) 14 Cal.5th 791, 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.)

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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.