



Supreme Court of California
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NEWS RELEASE

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FOR IMMEDIATE RELEASE

October 28, 2022

Summary of Cases Accepted and Related Actions During Week of October 24, 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.]

#22-280 *People v. McCune*, S276303. (A163579; 81 Cal.App.5th 648; Napa County Superior Court; CR183930.) Petition for review after the Court of Appeal affirmed an order for restitution in a criminal action. This case presents the following issue: Did the trial court exceed its jurisdiction by setting the amount of victim restitution after terminating defendant's probation pursuant to Assembly Bill No. 1950 (Stats. 2020, ch. 328)?

#22-281 *Needham v. Superior Court*, S276395. (G060670; 82 Cal.App.5th 114; Orange County Superior Court; M-16870.) Petition for review after the Court of Appeal granted a petition for writ of mandate. This case presents the following issue: Does the Sexually Violent Predator Act (Welf. & Inst. Code, § 6600 et seq.) allow the People to retain a private expert to testify at trial as to whether a defendant is a sexually violent predator, or are the expert witnesses limited to those designated by the State Department of State Hospitals (Welf. & Inst. Code, §§ 6601 & 6603)?

#22-282 *Seviour-Iloff v. LaPaille*, S275848. (A163503, A163504; 80 Cal.App.5th 427; Humboldt County Superior Court; CV2000529.) Petition for review after the Court of Appeal affirmed in part and reversed in part the judgment in a civil action. The court limited review to the following issues: (1) Must an employer demonstrate that it affirmatively took steps to ascertain whether its pay practices comply with the Labor Code and Industrial Welfare Commission Wage Orders to establish a good faith defense to liquidated damages under Labor Code section 1194.2, subdivision (b)? (2) May a wage claimant prosecute a paid sick leave claim under section 248.5, subdivision (b) of the Healthy Workplaces, Healthy Families Act of 2014 (Lab. Code, § 245 et seq.) in a de novo wage claim trial conducted pursuant to Labor Code section 98.2?

#22-283 *People v. Hall*, S276407. (C095433; nonpublished opinion; Sacramento County Superior Court; 97F03789.) Petition for review after the Court of Appeal dismissed an appeal from an order denying a post-judgment motion in a criminal matter. The court ordered briefing deferred pending decision in *People v. Delgadillo*, S266305 (#21-72), which presents the following issues: (1) What procedures must appointed counsel and the Courts of Appeal follow when counsel determines that an appeal from an order denying postconviction relief lacks arguable merit? (2) Are defendants entitled to notice of these procedures?

#22-284 *People v. Hidalgo*, S276452. (E075992; nonpublished opinion; San Bernardino County Superior Court; FVI20000041.) 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. 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)?

#22-285 *In re V.G.*, S276496. (B317112; nonpublished opinion; Santa Barbara County Superior Court; 21JV00359.) Petition for review after the Court of Appeal dismissed an appeal from orders in a juvenile court proceeding. The court ordered briefing deferred pending decision in *In re D.P.*, S267429 (#21-251), which presents the following issue: (1) Is an appeal of a juvenile court's jurisdictional finding moot when a parent asserts that he or she has been or will be stigmatized by the finding? (2) Is an appeal of a juvenile court's jurisdictional finding moot when a parent asserts that he or she may be barred from challenging a current or future placement on the Child Abuse Central Index as a result of the finding?

DISPOSITIONS

Review in the following cases, which were granted and held for *People v. Strong* (2022) 13 Cal.5th 698, was dismissed:

#21-454 <i>People v. Allen</i>, S270002	(B306227; nonpublished opinion; Los Angeles County Superior Court; BA125580)
#22-35 <i>People v. Elias</i>, S272576	(D078137; nonpublished opinion; San Diego County Superior Court; SCD228929)

#21-566 <i>People v. Espinoza</i>, S271879	(B307453; nonpublished opinion; Los Angeles County Superior Court; BA021717)
#21-258 <i>People v. Higgins</i>, S268361	(B300888; nonpublished opinion; Los Angeles County Superior Court; YA035529)
#21-526 <i>People v. Maurtua</i>, S271073	(B301104; nonpublished opinion; Los Angeles County Superior Court; KA083187)
#21-542 <i>People v. Mency</i>, S271453	(B301966; nonpublished opinion; Los Angeles County Superior Court; GA030918)
#21-424 <i>People v. Siqueros</i>, S270024	(B305887; nonpublished opinion; Los Angeles County Superior Court; KA010224)

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

#22-16 <i>People v. Avila</i>, S271812	(C092546; nonpublished opinion; Sacramento County Superior Court; 96F07199)
#21-554 <i>People v. Bludworth</i>, S271568	(C091249; nonpublished opinion; San Joaquin County Superior Court; STKCRCNV19980016792)
#22-04 <i>People v. Bridges</i>, S271922	(B308894; nonpublished opinion; Los Angeles County Superior Court; BA240172)
#21-564 <i>People v. Courtney</i>, S271789	(C091706; nonpublished opinion; Sacramento County Superior Court; 02F00882)

#22-34 <i>People v. Crecy</i> , S272491	(A161419; nonpublished opinion; San Mateo County Superior Court; SC043393)
#21-540 <i>People v. Davis</i> , S271524	(B306417; nonpublished opinion; Los Angeles County Superior Court; YA026317)
#21-555 <i>People v. Diaz</i> , S271698	(E076440; nonpublished opinion; Riverside County Superior Court; INF1302087)
#21-511 <i>People v. Dickson</i> , S270971	(C091152; nonpublished opinion; El Dorado County Superior Court; P03CRF0136)
#21-565 <i>People v. Dixon</i> , S271783	(C092798; nonpublished opinion; Sacramento County Superior Court; 10F00253)
#21-556 <i>People v. Flemmings</i> , S271591	(C092553; nonpublished opinion; Sacramento County Superior Court; 97F08683)
#21-25 <i>People v. Hernandez</i> , S272245	(F081137; nonpublished opinion; Tulare County Superior Court; VCF092425-02)
#22-05 <i>People v. Marin</i> , S271887	(B308620; nonpublished opinion; Los Angeles County Superior Court; BA071960)
#21-541 <i>People v. Martin</i> , S271264	(C091375; nonpublished opinion; Sacramento County Superior Court; 05F11358)
#21-504 <i>People v. Medina</i> , S270899	(C091206; nonpublished opinion; Sacramento County Superior Court; 08F03645)

#22-17 <i>People v. Mendez</i>, S272231	(F081193; nonpublished opinion; Fresno County Superior Court; CF93485197)
#21-543 <i>People v. Mendoza</i>, S271444	(H047430; nonpublished opinion; Santa Clara County Superior Court; 159891)
#22-18 <i>People v. Mendoza</i>, S272079	(C089455; nonpublished opinion; San Joaquin County Superior Court; STKCRFE20110004791, SF115887B)
#22-36 <i>People v. Milbry</i>, S272581	(E075830; nonpublished opinion; Riverside County Superior Court; CR57734)
#22-06 <i>People v. Miller</i>, S272070	(E076569; nonpublished opinion; Riverside County Superior Court; CR57524)
#22-07 <i>People v. Mitchell</i>, S271888	(F081153; nonpublished opinion; Kern County Superior Court; SC052002A)
#21-527 <i>People v. Myers</i>, S271142	(B306667; nonpublished opinion; Los Angeles County Superior Court; NA061108)
#21-557 <i>People v. Myles</i>, S271547	(E076505; nonpublished opinion; San Bernardino County Superior Court; FSB10937)
#21-538 <i>People v. Ortega</i>, S271437	(F080017; nonpublished opinion; Fresno County Superior Court; CF02902077)
#21-26 <i>People v. Probus</i>, S272391	(E072780; nonpublished opinion; Riverside County Superior Court; SWF003257)

#21-496 <i>People v. Ramos</i>, S270816	(B303575; nonpublished opinion; Los Angeles County Superior Court; KA079316)
#22-19 <i>People v. Reynoso</i>, S272114	(C093085; nonpublished opinion; Sacramento County Superior Court; 96F07199)
#21-535 <i>People v. Session</i>, S271219	(E075808; nonpublished opinion; San Bernardino County Superior Court; FVI023867)
#22-20 <i>People v. Thomas</i>, S272196	(D078289; nonpublished opinion; San Diego County Superior Court; SCD102585)
#21-569 <i>People v. Yuriar</i>, S271871	(B305575; nonpublished opinion; Los Angeles County Superior Court; BA038224)
#22-39 <i>People v. Zuniga</i>, S272501	(E074958; nonpublished opinion; Riverside County Superior Court; INF065236)
#21-443 <i>People v. Flores</i>, S270041	(B308289; nonpublished opinion; Los Angeles County Superior Court; BA195400)
#21-558 <i>People v. Wright</i>, S271574	(C091633; nonpublished opinion; Sacramento County Superior Court; 93F06757)

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:

#21-08 <i>People v. Gonzales</i>, S265857	(B304135; nonpublished opinion; Santa Barbara County Superior Court; 1434089)
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The following case was transferred for reconsideration in light of *People v. Lewis* (2021) 11 Cal.5th 952:

#20-369 <i>People v. Perez</i>, S265254	(B301466; 54 Cal.App.5th 896 [non-citable]; Los Angeles County Superior Court; PA028774)
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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.