



Supreme Court of California
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NEWS RELEASE

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FOR IMMEDIATE RELEASE

November 15, 2024

Summary of Cases Accepted and Related Actions During Week of November 12, 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.]

#24-213 *People v. Blake*, S287143. (F085883; nonpublished opinion; Fresno County Superior Court; F15902365.) Petition for review after the Court of Appeal reversed an order denying a post-judgment motion in a criminal matter and remanded for resentencing.

#24-214 *People v. Divincenzo*, S287081. (E082704; nonpublished opinion; San Bernardino County Superior Court; FVI05479.) Petition for review after the Court of Appeal reversed a post-judgment order in a criminal matter and remanded for resentencing.

#24-215 *People v. Jimenez*, S287161. (H051253; nonpublished opinion; Santa Clara County Superior Court; CC272706.) Petition for review after the Court of Appeal reversed an order denying a post-judgment motion in a criminal matter and remanded for resentencing.

#24-216 *People v. Sanchez*, S287072. (H051274; nonpublished opinion; Santa Clara County Superior Court; 207514.) 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 *Blake*, *Divincenzo*, *Jimenez*, and *Sanchez* 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?

#24-217 *People v. Calhoun*, S287109. (B332567; nonpublished opinion; Los Angeles County Superior Court; TA073433.) 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. Antonelli*, S281599 (#23-203), which 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?

#24-218 *People v. Carbajal*, S286990. (B329953; nonpublished opinion; Los Angeles County Superior Court; TA056927.) Petition for review after the Court of Appeal reversed an order denying a post-judgment motion in a criminal matter and remanded for further proceedings.

#24-219 *People v. Deras*, S287166. (B331034; nonpublished opinion; Los Angeles County Superior Court; LA080900.) Petition for review after the Court of Appeal affirmed an order denying a post-judgment motion in a criminal matter.

#24-220 *People v. Dunne*, S286773. (B330892; nonpublished opinion; Los Angeles County Superior Court; VA125477.) Petition for review after the Court of Appeal affirmed an order denying a post-judgment motion in a criminal matter.

#24-221 *People v. Renteria*, S287163. (B330954; nonpublished opinion; Los Angeles County Superior Court; PA089104.) Petition for review after the Court of Appeal affirmed an order denying a post-judgment motion in a criminal matter.

The court ordered briefing in *Carbajal*, *Deras*, *Dunne*, and *Renteria* deferred pending decision in *People v. Patton*, S279670 (#23-129), which presents the following issue: Did the trial court engage in impermissible judicial factfinding by relying on the preliminary hearing transcript to deny defendant's Penal Code section 1172.6 petition at the prima facie stage? (See *People v. Lewis* (2021) 11 Cal.5th 952.)

#24-222 *People v. Lopez*, S287162. (G061870; 104 Cal.App.5th 616; Orange County Superior Court; 02NF3143.) 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. Morris*, S284751 (#24-132), which presents the following issue: Did the trial court correctly deny defendant's Penal Code section 1172.6

resentencing petition at the prima facie stage on the ground that the actus reus of first degree felony murder requires that a defendant who is not the actual killer need only aid in the underlying felony and not in the killing itself (Pen. Code, § 189, subd. (e)(2))?

#24-223 *People v. Stewart*, S286916. (E078408; nonpublished opinion; Riverside County Superior Court; RIF1803153.) Petitions for review after the Court of Appeal affirmed in part and reversed in part judgments 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

The following case was transferred for reconsideration in light of *City of Los Angeles v. PricewaterhouseCoopers, LLP* (2024) 17 Cal.5th 46:

#24-65 <i>Agnone v. Agnone</i>, S284051	(B321252; nonpublished opinion; Los Angeles County Superior Court; BD659645)
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Review in the following case, which was granted and held for *City of Los Angeles v. PricewaterhouseCoopers, LLP* (2024) 17 Cal.5th 46, was dismissed:

#24-137 <i>Newton – The Children’s Learning Center v. De Ritz</i>, S285460	(A167738; nonpublished opinion; San Mateo County Superior Court; 20CIV02750)
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The following case was transferred for reconsideration in light of *In re Kenneth D.* (2024) 16 Cal.5th 1087 and *In re Dezi C.* (2024) 16 Cal.5th 1112:

#22-304 <i>In re E.L.</i>, S276508	(B316261; 82 Cal.App.5th 597, mod. 83 Cal.App.5th 68c [non-citable]; Ventura County Superior Court; T000117)
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People v. Daniels, S180112, an automatic appeal, was abated upon the death of the appellant.

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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.