



Supreme Court of California
350 McAllister Street, San Francisco, CA 94102-4797
www.courts.ca.gov/supremecourt

NEWS RELEASE

Contact: [Merrill Balassone](mailto:Merrill.Balassone@courts.ca.gov), 415-865-7740

FOR IMMEDIATE RELEASE

November 17, 2023

Summary of Cases Accepted and Related Actions During Week of November 13, 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.]

#23-218 *People v. Lopez*, S281488. (E080032; 93 Cal.App.5th 1110; San Bernardino County Superior Court; FWV1404692.) Petition for review after the Court of Appeal affirmed a judgment of conviction of criminal offenses. The court limited review to the following issue: Is defendant entitled to retroactive application of Assembly Bill No. 333 (2021-2022 Reg. Sess.) where he appeals for a second time after his judgment was conditionally reversed and the Court of Appeal issued a limited remand to the trial court to address sentencing issues?

#23-219 *People v. Aguilar*, S282123. (B316432; nonpublished opinion; Los Angeles County Superior Court; PA093196.) Petition for review after the Court of Appeal affirmed a judgment of conviction of a criminal offense.

#23-220 *People v. Rivas*, S282134. (C094563; nonpublished opinion; San Joaquin County Superior Court; STKCRFDV20180013813.) 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 in *Aguilar* and *Rivas* 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)?

#23-221 *In re Andres R.*, S282054. (E079972; 94 Cal.App.5th 828; Riverside County Superior Court; RIJ2200411.) Petition for review after the Court of Appeal affirmed an order in a juvenile dependency proceeding.

#23-222 *In re Ashton C.*, S282099. (E079831; nonpublished opinion; Riverside County Superior Court; RIJ2000558.) Petition for review after the Court of Appeal affirmed orders in a juvenile dependency proceeding.

The court ordered briefing in *Andres R.* and *Ashton C.* deferred pending decision in *In re Ja.O.*, S280572 (#23-153), which presents the following issue: Does the duty of a child welfare agency to inquire of extended family members and others about a child's potential Indian ancestry apply to children who are taken into custody under a protective custody warrant?

#23-223 *People v. Gonzalez*, S282166. (H049335; nonpublished opinion; Santa Clara County Superior Court; C1504229.) Petition for review after the Court of Appeal affirmed an order in a criminal case.

#23-224 *People v. Gonzalez*, S282168. (H049364; nonpublished opinion; Santa Clara County Superior Court; C1359980.) Petition for review after the Court of Appeal affirmed an order in a criminal case.

The court ordered briefing in both *Gonzalez* matters deferred pending decision in *Rodriguez v. Superior Court*, S272129 (#22-02), which presents the following issue: Does an incompetency commitment end when a state hospital files a certificate of restoration to competency or when the trial court finds that defendant has been restored to competency?

#23-225 *People v. Guerrero*, S281486. (B321032; nonpublished opinion; Los Angeles County Superior Court; TA126680.) 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. Lopez*, S281488 (#23-218), which presents the following issue: Is defendant entitled to retroactive application of Assembly Bill No. 333 (2021-2022 Reg. Sess.) where he appeals for a second time after his judgment was conditionally reversed and the Court of Appeal issued a limited remand to the trial court to address sentencing issues?

#23-226 *People v. Johnson*, S282130. (B321220; nonpublished opinion; Los Angeles County Superior Court; MA053603.) 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.

#23-227 *People v. McPeters*, S282062. (B321140; nonpublished opinion; Los Angeles County Superior Court; SA063427.) 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 *Johnson* and *McPeters* 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.)

#23-228 *People v. Palumbo*, S282057. (D081085; nonpublished opinion; San Diego County Superior Court; ECR12126.) 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. Hardin*, S277487 (#23-1), which presents the following issues: (1) Does Penal Code section 3051, subdivision (h), violate the Equal Protection Clause of the Fourteenth Amendment by excluding young adults sentenced to life without the possibility of parole from youth offender parole consideration, while young adults sentenced to parole-eligible terms are entitled to such consideration? (2) Whether the first step of the two-part inquiry used to evaluate equal protection claims, which asks whether two or more groups are similarly situated for the purposes of the law challenged, should be eliminated in cases concerning disparate treatment of classes or groups of persons, such that the only inquiry is whether the challenged classification is adequately justified under the applicable standard of scrutiny?

#23-229 *People v. Ramirez Perez*, S282016. (F084242; nonpublished opinion; Kern County Superior Court; LF013561A.) 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?

#23-230 *People v. Slaton*, S282047. (C096437; 95 Cal.App.5th 363; Sacramento County Superior Court; 21FE004429.) Petition for review after the Court of Appeal affirmed a judgment of conviction of a criminal offense. 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).

#23-231 *People v. Williams*, S282101. (C096809; nonpublished opinion; Sacramento County Superior Court; 10F02827.) Petition for review after the Court of Appeal affirmed in part and reversed in part an order denying a post-judgment motion in a criminal matter and remanded for further proceedings. 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?

#23-232 *Yeh v. Superior Court*, S282228. (A166537; 95 Cal.App.5th 264; Contra Costa County Superior Court; MSC2200170.) Petition for review after the Court of Appeal granted a petition for writ of mandate in a civil action. 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?

DISPOSITIONS

The following case was transferred for reconsideration in light of *People v. Mumin* (2023) 15 Cal.5th 176:

#22-114 <i>People v. Brown</i>, S273752	(G060395; nonpublished opinion; Santa Clara County Superior Court; C1764817)
--	--

###

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.