



Supreme Court of California  
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**NEWS RELEASE**

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**FOR IMMEDIATE RELEASE**

November 22, 2024

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## Summary of Cases Accepted and Related Actions During Week of November 18, 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.]*

**#24-224 *People v. Allen*, S286520.** (B328333; nonpublished opinion; Los Angeles County Superior Court; NA104090.) Petition for review after the Court of Appeal affirmed a judgment of conviction of criminal offenses. This case presents the following issues: (1) If a defendant has invoked his right to remain silent while being interrogated by a law enforcement officer, are incriminating statements obtained through a subsequent *Perkins* operation (i.e., the use of an undercover agent to question a jailed defendant) admissible as substantive proof of the defendant's guilt at trial? (See *Illinois v. Perkins* (1990) 496 U.S. 292; *Miranda v. Arizona* (1966) 384 U.S. 436.) (2) What effect, if any, does the fact that the interrogating officer continued questioning after petitioner invoked his Fifth Amendment right to silence have upon the admissibility of the statements subsequently obtained during the *Perkins* operation?

**#24-225 *People v. Henry*, S287265.** (A168133; nonpublished opinion; Solano County Superior Court; FCR323094.) 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. The court ordered briefing deferred pending decision in *People v. Mitchell*, S277314 (#22-305), which presents the following issue: Does Senate Bill No. 567 (Stats. 2021, ch. 731), which limits a trial court's discretion to impose upper term sentences, apply retroactively to defendants sentenced pursuant to stipulated plea agreements?

**#24-226 *People v. Moreno*, S287280.** (B333875; nonpublished opinion; Los Angeles County Superior Court; LA039438.) Petition for review after the Court of Appeal affirmed an order granting in part and denying in part a post-judgment motion in a criminal matter. The court ordered briefing deferred pending decision in *People v. Superior Court (Guevara)*, S283305 (#24-50), which presents the following issue: Do

the revised penalty provisions of the Three Strikes Reform Act of 2012 (Pen. Code, § 1170.12) apply when a defendant is resentenced pursuant to Senate Bill No. 483 (Pen. Code, § 1172.75)?

**#24-227 *People v. Palmer*, S287082.** (E082930; nonpublished opinion; Riverside County Superior Court; BAF003500.) Petition for review after the Court of Appeal reversed a post-judgment order in a criminal matter and remanded for resentencing.

**#24-228 *People v. Varelas*, S287259.** (G063291; nonpublished opinion; Riverside County Superior Court; RIF1300400.) Petition for review after the Court of Appeal reversed a post-judgment order in a criminal matter and remanded for resentencing.

The court ordered briefing in *Palmer* and *Varelas* 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?

#### DISPOSITIONS

*People v. Martinez*, S185364, an automatic appeal, was abated upon the death of the appellant.

#### STATUS

**#24-81 *Whitehead v. City of Oakland*, S284303.** The court requested supplemental briefing on the following issue: Does the release in this case extend to a claim that the City of Oakland violated Government Code section 835 et seq., in light of Civil Code section 1668, which provides in relevant part that “[a]ll contracts which have for their object, directly or indirectly, to exempt anyone from responsibility for his own . . . violation of law, whether willful or negligent, are against the policy of the law”? (Cf. *City of Santa Barbara v. Superior Court* (2007) 41 Cal.4th 747, 763 [*Tunkl v. Regents of University of California* (1963) 60 Cal.2d 92 “found a release of liability for future ordinary negligence void on public policy grounds *other than those set forth in section 1668*”].)

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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.*