



Supreme Court of California  
350 McAllister Street, San Francisco, CA 94102-4797  
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**NEWS RELEASE**

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

**FOR IMMEDIATE RELEASE**

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## Summary of Cases Accepted and Related Actions During Week of November 27, 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.]*

**#23-238 *Legislature of the State of California v. Weber (Hiltachk)*, S281977.** Original proceeding. The court issued an order to show cause why the relief sought in the petition should not be granted. This case presents the following issues: (1) Does the Taxpayer Protection and Government Accountability Act constitute an impermissible attempted revision of the California Constitution by voter initiative? (2) Is this initiative measure subject to invalidation on the ground that, if adopted, it would impair essential government functions?

**#23-239 *People v. The North River Ins. Co.*, S282020.** (B322752; 94 Cal.App.5th 663; Santa Clara County Superior Court; F1765160.) Petition for review after the Court of Appeal reversed the judgment in a bail forfeiture action and remanded for further proceedings. This case presents the following issues: (1) In a bail bond forfeiture proceeding under Penal Code section 1305, subdivision (g), may the court compel the prosecution to make an extradition decision or toll the appearance period to allow time for the prosecution to make an extradition decision? (2) Is the prosecutor's decision whether or not to extradite a fugitive defendant detained in a foreign jurisdiction a fact that must be alleged in a motion to vacate bail bond forfeiture?

**#23-240 *Accurso v. In-N-Out Burgers*, S282173.** (A165320; 94 Cal.App.5th 1128, mod. 95 Cal.App.5th 931b; Sonoma County Superior Court; SCV268956.) The court ordered briefing deferred pending decision in *Turrieta v. Lyft, Inc.*, S271721 (#22-03), which presents the following issue: Does a plaintiff in a representative action filed under the Private Attorneys General Act (Lab. Code, § 2698, et seq.) (PAGA) have the right to intervene, or object to, or move to vacate, a judgment in a related action that purports to settle the claims that plaintiff has brought on behalf of the state?

**#23-241 *People v. Bass*, S282420.** (H049528; nonpublished opinion; Santa Clara County Superior Court; C2007193.) 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 finality of the decision in *People v. Salazar* (Nov. 20, 2023, S275788) \_\_ Cal.5th \_\_.

**#23-242 *People v. Challoner*, S282434.** (E080908; nonpublished opinion; San Bernardino County Superior Court; FVA1300504.) 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. 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.)

**#23-243 *In re. L.J.*, S282333.** (E080296; nonpublished opinion; San Bernardino County Superior Court; J287021.) Petition for review after the Court of Appeal affirmed an order in a juvenile dependency proceeding. The court ordered briefing 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?

**#23-244 *People v. Mercado*, S282366.** (H046930; nonpublished opinion; Santa Clara County Superior Court; C1776749.) 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 resentencing. The court ordered briefing deferred pending decision in *People v. Fletcher*, S281282 (#23-188), which presents the following issues: (1) Does Assembly Bill No. 333 amend the requirements for a true finding on a prior strike conviction (Pen. Code, §§ 667, subs. (b)–(i) & 1170.12, subs. (a)–(d)) and a prior serious felony conviction (Pen. Code, § 667, subd. (a)), or is that determination made on “the date of that prior conviction”? (See Pen. Code, §§ 667, subd. (d)(1) & 1170.12, subd. (b)(1).) (2) Does Assembly Bill No. 333 (Stats. 2021, ch. 699), which modified the criminal street gang statute (Pen. Code, § 186.22), unconstitutionally amend Proposition 21 and Proposition 36, if applied to strike convictions and serious felony convictions?

**#23-245 *People v. Serrano*, S282452.** (H047310; nonpublished opinion; Monterey County Superior Court; SS170173.) 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).

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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.*