



Supreme Court of California
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NEWS RELEASE

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FOR IMMEDIATE RELEASE

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Summary of Cases Accepted and Related Actions During Week of November 28, 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.]

#22-302 *In re Kenneth D.*, S276649. (C096051; 82 Cal.App.5th 1027; Placer County Superior Court; 53005180.) Petition for review after the Court of Appeal affirmed an order in a juvenile dependency proceeding. This case presents the following issues: May an appellate court take additional evidence to remedy the failure of the child welfare agency and the trial court to comply with the inquiry, investigation, and notice requirements of the Indian Child Welfare Act (25 U.S.C. § 1901 et seq.; Welf. & Inst. Code, § 224 et seq.), and if so, what procedures must be followed?

#22-303 *People v. Brasuell*, S277048. (B308124; nonpublished opinion; San Luis Obispo County Superior Court; 18F-04077.) 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. 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)? and pending decision in *People v. Salazar*, S275788 (#22-264), which presents the following issue: Did the Court of Appeal err by finding the record clearly indicates the trial court would not have imposed a low term sentence if it had been fully aware of its discretion under newly-added subdivision (b)(6) of Penal Code section 1170? (See *People v. Gutierrez* (2014) 58 Cal.4th 1354, 1391.)

#22-304 *In re E.L.*, S276508. (B316261; 82 Cal.App.5th 597, mod. 83 Cal.App.5th 68c; Ventura County Superior Court; T000117.) Petition for review after the Court of Appeal affirmed orders in a juvenile dependency proceeding. The court ordered briefing deferred pending decision in *In re Kenneth D.*, S276649 (#22-302), which presents the following issues: May an appellate court take additional evidence to remedy the failure

of the child welfare agency and the trial court to comply with the inquiry, investigation, and notice requirements of the Indian Child Welfare Act (25 U.S.C. § 1901 et seq.), and if so, are the parents entitled to a hearing to challenge the additional evidence before their parental rights are terminated?

DISPOSITIONS

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

#22-121 <i>In re Adcock</i>, S273486	(C089547, C089581; nonpublished opinion; Sacramento County Superior Court; 05F01670)
#22-49 <i>People v. Barnes</i>, S272777	(E076618; nonpublished opinion; San Bernardino County Superior Court; FVA010870)
#22-59 <i>People v. Bernal</i>, S272998	(D078324; nonpublished opinion; San Diego County Superior Court; SCE266559)
#22-109 <i>People v. Brittain</i>, S273731	(D078233; nonpublished opinion; San Diego County Superior Court; SCD187149)
#22-122 <i>People v. Cross</i>, S273847	(E074380; nonpublished opinion; Riverside County Superior Court; ICR15222)
#22-50 <i>People v. Daniels</i>, S272768	(B308995; nonpublished opinion; Los Angeles County Superior Court; BA347305)
#21-510 <i>People v. Davis</i>, S270932	(E074748; nonpublished opinion; Riverside County Superior Court; ICR22535)

#22-145 <i>People v. Drummer</i> , S274156	(H048576; nonpublished opinion; Santa Clara County Superior Court; C1477595)
#22-111 <i>People v. Jennings</i> , S273750	(H049043; nonpublished opinion; Santa Clara County Superior Court; 155731)
#22-161 <i>People v. Martinez</i> , S274017	(C093077; nonpublished opinion; Sacramento County Superior Court; 09F04716)
#22-112 <i>People v. Nicholas</i> , S273690	(C091668; nonpublished opinion; Sacramento County Superior Court; 97F03179)
#22-136 <i>People v. Pereles</i> , S273996	(H049218; nonpublished opinion; Santa Clara County Superior Court; 186103)
#22-138 <i>People v. Rosales</i> , S274030	(H048876; nonpublished opinion; Santa Clara County Superior Court; CC319535)
#22-127 <i>People v. Santana</i> , S273918	(B299353; nonpublished opinion; Los Angeles County Superior Court; TA063973)
#22-113 <i>People v. Shorter</i> , S273710	(C092368; nonpublished opinion; Sacramento County Superior Court; 09F09113)
#22-128 <i>People v. Sison</i> , S273898	(D078552; nonpublished opinion; San Diego County Superior Court; SCE239548)
#22-147 <i>People v. Smith</i> , S274250	(D078320; nonpublished opinion; San Diego County Superior Court; SCD137023)

#22-64 <i>People v. Valle</i>, S272930	(A162298; nonpublished opinion; Marin County Superior Court; SC039946A)
#22-123 <i>People v. Ervin</i>, S273782	(B309740; nonpublished opinion; Los Angeles County Superior Court; NA090280)
#22-146 <i>People v. Garcia</i>, S274308	(C093543; nonpublished opinion; Sacramento County Superior Court; 10F06795)
#22-52 <i>People v. Reed</i>, S272761	(C093055; nonpublished opinion; Sacramento County Superior Court; 10F05764)
#22-63 <i>People v. Ting</i>, S272790	(B311125; nonpublished opinion; Los Angeles County Superior Court; BA253204)

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

#22-143 <i>People v. Carstarphen</i>, S274186	(B309405; nonpublished opinion; Los Angeles County Superior Court; NA040726, NA040726-01, NA040726-04)
#22-144 <i>People v. DelCambre</i>, S274159	(B308999; nonpublished opinion; Los Angeles County Superior Court; BA227612)
#22-135 <i>People v. Epps</i>, S274064	(D079593; nonpublished opinion; Riverside County Superior Court; RIF132260)
#21-524 <i>People v. Flowers</i>, S271205	(B301439; nonpublished opinion; Los Angeles County Superior Court; BA109227)

#22-125 <i>People v. Machuca</i> , S273811	(B305830; nonpublished opinion; Los Angeles County Superior Court; BA048904)
#22-62 <i>People v. Nunez-Sharp</i> , S272637	(B308390; nonpublished opinion; Los Angeles County Superior Court; BA397214)
#21-512 <i>People v. Santos</i> , S270979	(B306738; nonpublished opinion; Los Angeles County Superior Court; BA124342)
#22-129 <i>People v. Williams</i> , S273835	(B303054, B307686; nonpublished opinion; Los Angeles County Superior Court; SA006461)

#22-282 *Seviour-Iloff v. LaPaille*, S275848. The court ordered the cause severed as to plaintiff and appellant Elsie Seviour-Iloff (A163503), dismissed review as to Seviour-Iloff, and remanded with directions to issue the remittitur as to Seviour-Iloff alone.

STATUS

#22-282 *Seviour-Iloff v. LaPaille*, S275848. The court ordered appeal A163504, which had been consolidated with appeal A163503 in the Court of Appeal, severed, retained for decision, and retitled *Iloff v. LaPaille*.

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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.