



Supreme Court of California
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NEWS RELEASE

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FOR IMMEDIATE RELEASE

December 3, 2021

Summary of Cases Accepted and Related Actions During Week of November 29, 2021

[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.]

#21-540 *People v. Davis*, S271524. (B306417; nonpublished opinion; Los Angeles County Superior Court; YA026317.) Petition for review after the Court of Appeal affirmed an order denying a post-judgment motion in a criminal matter.

#21-541 *People v. Martin*, S271264. (C091375; nonpublished opinion; Sacramento County Superior Court; 05F11358.) Petition for review after the Court of Appeal affirmed an order denying a post-judgment motion in a criminal matter.

#21-542 *People v. Mercy*, S271453. (B301966; nonpublished opinion; Los Angeles County Superior Court; GA030918.) Petition for review after the Court of Appeal reversed an order denying a post-judgment motion in a criminal matter.

#21-543 *People v. Mendoza*, S271444. (H047430; nonpublished opinion; Santa Clara County Superior Court; 159891.) Petition for review after the Court of Appeal reversed an order denying a post-judgment motion in a criminal matter.

The court ordered briefing in *Davis*, *Martin*, *Mercy*, and *Mendoza* deferred pending decision in *People v. Strong*, S266606 (#21-101), which presents the following issue: Does a felony-murder special circumstance finding (Pen. Code, § 190.2, subd. (a)(17)) made before *People v. Banks* (2015) 61 Cal.4th 788 and *People v. Clark* (2016) 63 Cal.4th 522 preclude a defendant from making a prima facie showing of eligibility for relief under Penal Code section 1170.95?

#21-544 *In re Destiny V.*, S271084. (B308299; nonpublished opinion; Los Angeles County Superior Court; 20CCJP04335, 20CCJP04335A.) Petition for review after the Court of Appeal affirmed the dispositional orders in a juvenile dependency proceeding.

#21-545 *In re N.N.*, S271097. (F081725; nonpublished opinion; Kings County Superior Court; 19JD0241.) Petition for review after the Court of Appeal dismissed appeal as moot in a juvenile dependency proceeding.

The court ordered briefing in *Destiny V.* and *N.N.* deferred pending decision in *In re D.P.*, S267429 (#21-251), which presents the following issues: (1) Is an appeal of a juvenile court's jurisdictional finding moot when a parent asserts that he or she has been or will be stigmatized by the finding? (2) Is an appeal of a juvenile court's jurisdictional finding moot when a parent asserts that he or she may be barred from challenging a current or future placement on the Child Abuse Central Index as a result of the finding?

#21-546 *People v. Hernandez*, S271531. (E076965; nonpublished opinion; San Bernardino County Superior Court; FWV20001047.) Petition for review after the Court of Appeal dismissed an appeal from an order revoking probation in a criminal matter.

#21-547 *People v. Lea*, S271082. (C093371; nonpublished opinion; Shasta County Superior Court; 19F1630.) Petition for review after the Court of Appeal dismissed an appeal from an order denying a post-judgment motion in a criminal matter.

#21-548 *People v. Perry*, S271473. (C093086; nonpublished opinion; Sacramento County Superior Court; 08F05978.) Petition for review after the Court of Appeal dismissed an appeal from an order denying a post-judgment motion in a criminal matter.

#21-549 *People v. Williams*, S271452. (C092951; nonpublished opinion; Sacramento County Superior Court; 10F03247.) Petition for review after the Court of Appeal dismissed an appeal from an order denying a post-judgment motion in a criminal matter.

#21-550 *People v. Williams*, S271491. (C092913; nonpublished opinion; Sacramento County Superior Court; 94F04063.) Petition for review after the Court of Appeal dismissed an appeal from an order denying a post-judgment motion in a criminal matter.

The court ordered briefing in *Hernandez*, *Lea*, *Perry*, and the two *Williams* cases deferred pending decision in *People v. Delgadillo*, S266305 (#21-72), which presents the following issues: (1) What procedures must appointed counsel and the Courts of Appeal follow when counsel determines that an appeal from an order denying postconviction relief lacks arguable merit? (2) Are defendants entitled to notice of these procedures?

#21-551 *People v. Whicker, S271467.* (B307526; nonpublished opinion; Los Angeles County Superior Court; MA058071.) 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 decision in *People v. Federico, S263082* (#20-231), which presents the following issue: Did defendant’s resentencing pursuant to Penal Code section 1170, subdivision (d)(1) “reopen” the finality of his sentence, such that he was entitled to the retroactive application of Proposition 57 and Senate Bill No. 1391 on an otherwise long-final conviction? and pending decision in *People v. Padilla, S263375* (#20-232), which presents the following issue: When a judgment becomes final, but is later vacated, altered, or amended and a new sentence imposed, is the case no longer final for the purpose of applying an intervening ameliorative change in the law?

#21-552 *X.M. v. Superior Court, S271478.* (E076340; 68 Cal.App.5th 1014; San Bernardino County Superior Court; CIVDS1907602.) Petition for review after the Court of Appeal denied a petition for writ of mandate. The court ordered briefing deferred pending decision in *Los Angeles Unified School Dist. v. Superior Court, S269608* (#21-437), which presents the following issue: Does Government Code section 818, which bars punitive damages against government defendants, preclude recovery under Code of Civil Procedure section 340.1, subdivision (b), which permits an award of up to treble damages after a child is sexually abused as a result of a cover up?

DISPOSITIONS

Review in the following cases, which were granted and held for *People v. Lewis* (2021) 11 Cal.5th 952, was dismissed:

#20-191 <i>People v. Hawk, S262401.</i>	(C089271; nonpublished opinion; Shasta County Superior Court; 95F1702)
#20-193 <i>People v. Thlang, S262740.</i>	(C089529; nonpublished opinion; San Joaquin County Superior Court; STKCRFE20050007223, SF095149F)
#20-210 <i>People v. Boochee, S263017.</i>	(B299847; nonpublished opinion; Los Angeles County Superior Court; BA419591)
#20-242 <i>People v. Orcasitas, S263323.</i>	(B298698; nonpublished opinion; Los Angeles County Superior Court; MA004571)
#20-276 <i>People v. Alves, S263786.</i>	(B298708; nonpublished opinion; Los Angeles County Superior Court; BA102783)

#20-312 <i>People v. Cooper</i>, S264385.	(B300934; nonpublished opinion; Los Angeles County Superior Court; GA066001)
#20-315 <i>People v. Solomon</i>, S264382.	(B301538; nonpublished opinion; Los Angeles County Superior Court; PA020188)
#20-322 <i>People v. Mejia</i>, S264554.	(B302951; nonpublished opinion; Los Angeles County Superior Court; BA329116)
#21-14 <i>People v. Thao</i>, S265815.	(C089584; nonpublished opinion; Sacramento County Superior Court; 95F01142)
#21-60 <i>People v. Warren</i>, S265848.	(B304544; nonpublished opinion; Los Angeles County Superior Court; PA029565)
#21-94 <i>People v. Daniel</i>, S266336.	(A157422; 57 Cal.App.5th 666; Alameda County Superior Court; 171810)
#21-351 <i>People v. Lee</i>, S269231.	(G058779; nonpublished opinion; Orange County Superior Court; 00NF1347)
#21-352 <i>People v. Lewis</i>, S268818.	(E074796; nonpublished opinion; Riverside County Superior Court; CR25725)

The following case was transferred for reconsideration in light of *People v. Lewis* (2021) 11 Cal.5th 952:

#20-372 <i>People v. Watson</i>, S265189.	(E072650; nonpublished opinion; San Bernardino County Superior Court; FVA014260)
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The following case was transferred for reconsideration in light of *Walker v. Superior Court* (2021) 12 Cal.5th 177:

#21-134 <i>In re Morse</i>, S266884.	(D077483; 59 Cal.App.5th 607; Imperial County Superior Court; EMH000347)
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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.