



Supreme Court of California  
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**NEWS RELEASE**

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**FOR IMMEDIATE RELEASE**

December 13, 2024

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## Summary of Cases Accepted and Related Actions During Week of December 9, 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.]*

**#24-231 *Conservatorship of E.A.*, S287241.** (A169299; nonpublished opinion; Contra Costa County Superior Court; P2000896.) Petition for review after the Court of Appeal affirmed the judgment in a conservatorship proceeding. This case presents the following issue: Must a conservatee demonstrate prejudice to establish that a 362-day delay in initiating a trial in a Lanterman-Petris-Short Act conservatorship proceeding violates due process and equal protection?

**#24-232 *Fox Paine & Co., LLC v. Twin City Fire Ins. Co.*, S287404.** (A168803; 104 Cal.App.5th 1034; San Francisco County Superior Court; CGC17557275.) Petition for review after the Court of Appeal affirmed judgments in a civil action. This case presents the following issues: (1) Where an insurance policyholder alleges loss sufficient to reach an excess policy, but that insurer's obligation to pay is not yet triggered because underlying layers are not yet exhausted, may the policyholder nevertheless seek declaratory relief against the insurer? (2) Can a policyholder ever state a claim against an excess insurer for "bad faith" conduct if the underlying policy layers are not yet exhausted?

**#24-233 *People v. Hughey*, S287455.** (B325796; 105 Cal.App.5th 216; Ventura County Superior Court; 2021019944.) Petitions for review after the Court of Appeal modified and affirmed judgments of conviction of criminal offenses. This case presents the following issue: Was there sufficient evidence of asportation to support defendants' convictions for kidnapping (Pen. Code, § 207, subd. (a))?

**#24-234 *Mayor v. Workers' Comp. Appeals Bd.*, S287261.** (A169465; 104 Cal.App.5th 713, mod. 104 Cal.App.5th 1297; Workers' Compensation Appeals Board;

ADJ10036954.) Petition for review after the Court of Appeal granted a petition for peremptory writ of mandate in a Workers' Compensation Appeals Board proceeding. This case presents the following issues: (1) May the Workers' Compensation Appeals Board apply equitable tolling to act upon a petition for reconsideration beyond the 60-day period provided in Labor Code section 5909, when the Appeals Board did not receive the petition for reconsideration until after the 60-day period has elapsed? (2) Did the Court of Appeal act in excess of its jurisdiction in granting relief under traditional mandate (Code Civ. Proc., § 1085), where petitioner did not file a timely petition for writ of review pursuant to Labor Code section 5909?

**#24-235 *In re Montgomery*, S287339.** (D083970; 104 Cal.App.5th 1062; San Diego County Superior Court; HC25670.) Petition for review after the Court of Appeal dismissed the appeal of a post-judgment order in a criminal matter. This case presents the following issue: Must a petitioner allege a prima facie case for relief under the Racial Justice Act (Pen. Code, § 745; RJA) before the trial court can consider a discovery request for disclosure of evidence under the RJA (*id.*, subd. (d))?

**#24-236 *People v. Adger*, S287792.** (B330380; nonpublished opinion; Los Angeles County Superior Court; KA103542.) Petition for review after the Court of Appeal affirmed an order denying a post-judgment motion in a criminal matter.

**#24-237 *People v. Arias*, S287716.** (B331686; nonpublished opinion; Los Angeles County Superior Court; TA136781.) Petition for review after the Court of Appeal affirmed an order denying a post-judgment motion in a criminal matter.

**#24-238 *People v. Curry*, S287780.** (A167782; nonpublished opinion; Contra Costa County Superior Court; 05001407857.) 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.

**#24-239 *People v. Lopez*, S287631.** (B332747; nonpublished opinion; Los Angeles County Superior Court; KA091724.) Petition for review after the Court of Appeal affirmed an order denying a post-judgment motion in a criminal matter.

**#24-240 *People v. Loquellano*, S287626.** (B330399; nonpublished opinion; Los Angeles County Superior Court; NA008359.) 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.

**#24-241 *People v. Villery*, S287791.** (B329554; nonpublished opinion; Los Angeles County Superior Court; TA060012.) 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 *Adger, Arias, Curry, Lopez, Loquellano, and Villery* 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.)

**#24-242 *City of Oxnard v. Howard Jarvis Taxpayers Association*, S287599.** (B328083; nonpublished opinion; Ventura County Superior Court; 56-2022-00563903-CU-MC-VTA.) Petition for review after the Court of Appeal affirmed the judgment in a civil action. The court ordered briefing deferred pending decision in *City of San José v. Howard Jarvis Taxpayers Association*, S285426 (#24-145), which presents the following issue: Is the issuance of pension obligation bonds to finance unfunded pension liability subject to the voter-approval requirement of article XVI, section 18, subdivision (a) of the California Constitution?

**#24-243 *People v. Faircloth*, S287557.** (D083519; nonpublished opinion; San Diego County Superior Court; SCD262107.) Petition for review after the Court of Appeal reversed a post-judgment order in a criminal matter and remanded for resentencing.

**#24-244 *People v. Garcia*, S287773.** (D083526; nonpublished opinion; San Diego County Superior Court; SCD253653.) Petition for review after the Court of Appeal reversed an order denying a post-judgment motion in a criminal matter and remanded for resentencing.

**#24-245 *People v. Gomez*, S287785.** (D084513; nonpublished opinion; Riverside County Superior Court; INF1600337.) Petition for review after the Court of Appeal reversed a post-judgment order in a criminal matter and remanded for resentencing.

**#24-246 *People v. Hayes*, S287718.** (D083396; nonpublished opinion; San Diego County Superior Court; SCD207065.) Petition for review after the Court of Appeal reversed an order denying a post-judgment motion in a criminal matter and remanded for resentencing.

**#24-247 *People v. Martinez*, S287303.** (E083101; nonpublished opinion; Riverside County Superior Court; RIF116615.) Petition for review after the Court of Appeal reversed a post-judgment order in a criminal matter and remanded for resentencing.

**#24-248 *People v. McFadden*, S287373.** (D083440; nonpublished opinion; San Diego County Superior Court; SCD125464.) Petition for review after the Court of Appeal reversed an order denying a post-judgment motion in a criminal matter and remanded for resentencing.

**#24-249 *People v. Oduno*, S287431.** (D083043; nonpublished opinion; San Diego County Superior Court; SCN370712.) Petition for review after the Court of Appeal reversed an order denying a post-judgment motion in a criminal matter and remanded for resentencing.

**#24-250 *People v. Rodriguez*, S287415.** (D084675; nonpublished opinion; Riverside County Superior Court; RIF1301155.) Petition for review after the Court of Appeal reversed an order denying a post-judgment motion in a criminal matter and remanded for resentencing.

**#24-251 *People v. Rugerio*, S287761.** (H051521; nonpublished opinion; Santa Cruz County Superior Court; F22952.) Petition for review after the Court of Appeal reversed an order denying a post-judgment motion in a criminal matter and remanded for resentencing.

**#24-252 *People v. Sanchez*, S287619.** (H051266; nonpublished opinion; Santa Clara County Superior Court; C1898274.) Petition for review after the Court of Appeal reversed a post-judgment order in a criminal matter and remanded for resentencing.

**#24-253 *People v. Stapleton*, S287560.** (D084676; nonpublished opinion; Riverside County Superior Court; RIF152067.) Petition for review after the Court of Appeal reversed an order denying a post-judgment motion in a criminal matter and remanded for resentencing.

**#24-254 *People v. Walker*, S287745.** (B334454; nonpublished opinion; Los Angeles County Superior Court; TA033786.) Petition for review after the Court of Appeal reversed an order denying a post-judgment motion in a criminal matter and remanded for resentencing.

The court ordered briefing in *Faircloth, Garcia, Gomez, Hayes, Martinez, McFadden, Oduno, Rodriguez, Rugerio, Sanchez, Stapleton*, and *Walker* 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?

**#24-255 *People v. Parker*, S287706.** (A168406; nonpublished opinion; Sonoma County Superior Court; SCR6547991.) 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. Emanuel*, S280551 (#23-174), which presents the following issue: Does sufficient evidence support the trial court's finding that defendant

acted with reckless indifference to human life and therefore was ineligible for resentencing pursuant to Penal Code section 1172.6?

**#24-256 *People v. Ruizpaz*, S287614.** (H051221; nonpublished opinion; Santa Clara County Superior Court; C1076422.) Petition for review after the Court of Appeal affirmed in part and reversed in part a judgment of conviction of a criminal offense and remanded for further proceedings. 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?

### DISPOSITIONS

The following cases were transferred for reconsideration in light of *People v. Lynch* (2024) 16 Cal.5th 730:

<b>#23-262 <i>People v. Araujo</i>, S282639</b>	(F084058; nonpublished opinion; Kern County Superior Court; BF181629A)
<b>#24-6 <i>People v. Pineda</i>, S282902</b>	(A163880; nonpublished opinion; Contra Costa County Superior Court; 52016103)
<b>#23-131 <i>People v. Radillo</i>, S280054</b>	(F083848; nonpublished opinion; Merced County Superior Court; 15CR-06414)
<b>#23-220 <i>People v. Rivas</i>, S282134</b>	(C094563; nonpublished opinion; San Joaquin County Superior Court; STKCRFDV20180013813)
<b>#23-143 <i>People v. Spann</i>, S280275</b>	(C092586; nonpublished opinion; Sacramento County Superior Court; 17FE012187)
<b>#23-270 <i>People v. Uribe</i>, S282387</b>	(A164502; nonpublished opinion; Contra Costa County Superior Court; 11965342)

The following cases were transferred for reconsideration in light of *People v. Lynch* (2024) 16 Cal.5th 730 and *Erlinger v. United States* (2024) 602 U.S. 821:

<b>#23-54 <i>People v. Cabada</i>, S278654</b>	(B315418; nonpublished opinion; Ventura County Superior Court; 2020032612)
<b>#22-287 <i>People v. Carlin</i>, S276697</b>	(C094284; nonpublished opinion; Butte County Superior Court; 20CF03174)
<b>#22-266 <i>People v. Dunn</i>, S275655</b>	(F083390; 81 Cal.App.5th 394 [non-citable]; Madera County Superior Court; MCR063302)
<b>#24-16 <i>People v. Eaton</i>, S282875</b>	(C096853; nonpublished opinion; Sacramento County Superior Court; 93F04514)
<b>#23-150 <i>People v. Herring</i>, S280112</b>	(F084088; nonpublished opinion; Kern County Superior Court; BF180906A)
<b>#22-291 <i>People v. Jones</i>, S276655</b>	(C095063; nonpublished opinion; Sacramento County Superior Court; 21FE009236)
<b>#22-301 <i>People v. Singh</i>, S276885</b>	(F082580, F082584; nonpublished opinion; Madera County Superior Court; MCR060560)
<b>#23-144 <i>People v. Welch</i>, S279765</b>	(C095476; nonpublished opinion; Yuba County Superior Court; CRF1700159)

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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.*