



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 December 18, 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.]

#23-260 *Ranger v. Alamos Bay Yacht Club*, S282264. (B315302; 95 Cal.App.5th 240; Los Angeles County Superior Court; 19STCV22806.) Petition for review after the Court of Appeal affirmed the judgment in a civil action. This case presents the following issue: May a maritime worker described by 33 United States Code section 902(3)(A)–(F) within the Longshore and Harbor Workers’ Compensation Act (33 U.S.C. § 901 et seq.) bring an action to recover for a workplace injury under the general maritime law or does California’s workers’ compensation scheme provide the worker’s exclusive remedy?

#23-261 *In re Hernandez*, S282186. (F076752; nonpublished opinion; Kern County Superior Court; BF150639A.) Petition for review after the Court of Appeal affirmed an order denying a post-judgment motion in a criminal matter. This case presents the following issue: Does the totality of the circumstances establish that defendant meaningfully understood the immigration consequences of her plea?

#23-262 *People v. Araujo*, S282639. (F084058; nonpublished opinion; Kern County Superior Court; BF181629A.) 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)?

#23-263 *People v. Atwell*, S282733. (F083580; nonpublished opinion; Fresno County Superior Court; F21904262.) Petition for review after the Court of Appeal affirmed a judgment of conviction of criminal offenses.

#23-264 *People v. Tholmer*, S282474. (C095767; nonpublished opinion; Sacramento County Superior Court; 12F07076.) Petition for review after the Court of Appeal ordered abstract of judgment corrected and otherwise affirmed a judgment of conviction of criminal offenses.

The court ordered briefing in *Atwell* and *Tholmer* 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, subds. (b)–(i) & 1170.12, subds. (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?

#23-265 *JRK Property Holdings, Inc. v. Colony Ins. Co.*, S282657. (B321806; 96 Cal.App.5th 1; Los Angeles County Superior Court; 21STCV19983.) Petition for review after the Court of Appeal affirmed in part and reversed in part the judgment in a civil action and remanded for further proceedings. The court ordered briefing deferred pending decision in *Another Planet Entertainment, LLC v. Vigilant Insurance Company*, S277893 (#23-36), which presents the following issue: Can the actual or potential presence of the COVID-19 virus on an insured’s premises constitute “direct physical loss or damage to property” for purposes of coverage under a commercial property insurance policy?

#23-266 *People v. Mitchell*, S282711. (C097390; nonpublished opinion; Yuba County Superior Court; CRF2100854.) Petition for review after the Court of Appeal affirmed an order revoking probation in a criminal matter. 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?

#23-267 *People v. Poncio*, S282701. (G061931; nonpublished opinion; Orange County Superior Court; 00CF3110.) 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. Hardin*, S277487 (#23-1), which presents the following issues: (1) Does Penal Code section 3051, subdivision (h), violate the Equal Protection Clause of the Fourteenth Amendment by excluding young adults sentenced to life without the possibility of parole from youth offender parole consideration, while young adults sentenced to parole-eligible terms are entitled to such consideration? (2) Whether the first step of the two-part inquiry used to evaluate equal protection claims,

which asks whether two or more groups are similarly situated for the purposes of the law challenged, should be eliminated in cases concerning disparate treatment of classes or groups of persons, such that the only inquiry is whether the challenged classification is adequately justified under the applicable standard of scrutiny?

#23-268 *People v. Serpas*, S282694. (C095167; nonpublished opinion; Sacramento County Superior Court; 19FE001752.) Petition for review after the Court of Appeal modified and 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 finality of the decision in *People v. Salazar* (Nov. 20, 2023, S275788) __ Cal.5th __.

#23-269 *People v. Trent*, S282644. (C096306; 96 Cal.App.5th 33; San Joaquin County Superior Court; STKCRFE19970006966.) Petitions for review after the Court of Appeal affirmed in part and reversed in part an order granting a post-judgment motion in a criminal matter 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? and pending decision in *People v. Arellano*, S277962 (#23-41), which presents the following issue: When a defendant obtains resentencing of a conviction under Penal Code section 1172.6, subdivision (e), is the trial court permitted to impose not only the target offense or underlying felony, but also corresponding enhancements?

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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.