



Supreme Court of California
350 McAllister Street, San Francisco, CA 94102-4797
www.courts.ca.gov/supremecourt

NEWS RELEASE

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

FOR IMMEDIATE RELEASE

December 23, 2021

Summary of Cases Accepted and Related Actions During Week of December 20, 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.]

#21-561 *People v. Brown, S271877.* (H048462; 69 Cal.App.5th 15, mod. 69 Cal.App.5th 765b, mod. 69 Cal.App.5th 765c; Santa Clara County Superior Court; C1646865, AP002184.) Petition for review after the Court of Appeal reversed an order of a criminal proceeding and remanded with directions. This case presents the following issue: Did the trial court err in granting the People's motion under Penal Code section 1050 to continue the hearing on a motion to suppress evidence, when it was reasonably foreseeable that denying the continuance would result in a dismissal of the case but the People otherwise failed to show good cause for a continuance?

#21-562 *Haggerty v. Thornton, S271483.* (D078049; 68 Cal.App.5th 1003; San Diego County Superior Court; 37-2019-00028694-PR-TR-CTL.) Petition for review after the Court of Appeal affirmed an order in a probate proceeding. This case presents the following issue. Can a trust be modified according to the statutory procedures for revocation of a trust (Prob. Code, § 15401) if the trust instrument itself sets forth identical procedures for modification and revocation?

#21-563 *People v. Berry, S271799.* (B303420; nonpublished opinion; Los Angeles County Superior Court; BA057902.) Petition for review after the Court of Appeal affirmed an order denying a post-judgment motion in a criminal matter.

#21-564 *People v. Courtney, S271789.* (C091706; nonpublished opinion; Sacramento County Superior Court; 02F00882.) Petition for review after the Court of Appeal affirmed an order denying a post-judgment motion in a criminal matter.

#21-565 *People v. Dixon, S271783.* (C092798; nonpublished opinion; Sacramento County Superior Court; 10F00253.) Petition for review after the Court of Appeal affirmed an order denying a post-judgment motion in a criminal matter.

#21-566 *People v. Espinoza, S271879.* (B307453; nonpublished opinion; Los Angeles County Superior Court; BA021717.) Petition for review after the Court of Appeal reversed an order denying a post-judgment motion in a criminal matter.

#21-567 *People v. Perucci, S271612.* (B309174; nonpublished opinion; Los Angeles County Superior Court; BA109422.) Petition for review after the Court of Appeal affirmed an order denying a post-judgment motion in a criminal matter.

#21-568 *People v. Wilson, S271604.* (D078231; 69 Cal.App.5th 665; San Diego County Superior Court; SCD145049.) Petition for review after the Court of Appeal reversed an order denying a post-judgment motion in a criminal matter.

#21-569 *People v. Yuriar, S271871.* (B305575; nonpublished opinion; Los Angeles County Superior Court; BA038224.) 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 *Berry, Courtney, Dixon, Espinoza, Perucci, Wilson, and Yuriar* 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?

#21-570 *County of Fresno v. Superior Court, S271230.* (F083111; nonpublished opinion; Fresno County Superior Court; 18CECG00954.) Petition for review after the Court of Appeal denied a petition for writ of mandate in a civil action. The court ordered briefing deferred pending decision in *Tansavatdi v. City of Rancho Palos Verdes, S267453* (#21-185), which presents the following issue: Can a public entity be held liable under Government Code section 830.8 for failure to warn of an allegedly dangerous design of public property if the design itself is entitled to immunity under Government Code section 830.6?

#21-571 *People v. Long, S271807.* (F079251; nonpublished opinion; Fresno County Superior Court; F13907709.) 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 *In re Vaquera, S258376* (#19-195), which presents the following issues: (1) Did the Court of Appeal err by disagreeing with *People v. Jimenez* (2019) 35 Cal.App.5th 373 and endorsing as mandatory the sentencing practice

prohibited in that case? (2) Is the Court of Appeal's decision incorrect under *People v. Mancebo* (2002) 27 Cal.4th 735? (3) Did the Court of Appeal err by failing to address petitioner's claims as to the issues of waiver and estoppel?

DISPOSITIONS

The following case was transferred for reconsideration in light of Senate Bill No. 483 (Stats. 2021, ch. 728):

#21-36 <i>People v. Hernandez, S265739.</i>	(F080131; 55 Cal.App.5th 942; Kern County Superior Court; BF177632A)
---	--

The following cases were transferred for reconsideration in light of Senate Bill No. 775 (Stats, 2021, ch. 551):

#19-196 <i>People v. Adams, S258026.</i>	(B252187; nonpublished opinion; Los Angeles County Superior Court; BA372321, TA103351)
#19-213 <i>People v. Corona, S258684.</i>	(F075515; nonpublished opinion; Kern County Superior Court; BF161200C)
#20-60 <i>People v. Corder, S259760.</i>	(B261370; nonpublished opinion; Los Angeles County Superior Court; PA073839)
#20-71 <i>People v. Crockett, S260244.</i>	(B267614; nonpublished opinion; Los Angeles County Superior Court; SA071297)
#20-81 <i>People v. Chinchilla, S260387.</i>	(G057448; nonpublished opinion; Orange County Superior Court; 08CF3485)
#20-116 <i>People v. Gamboa, S261029.</i>	(C087771; nonpublished opinion; San Joaquin County Superior Court; STKCRFECOD20150006747)
#20-168 <i>People v. Alcaraz, S261946.</i>	(G057009; nonpublished opinion; Orange County Superior Court; 12NF1202)
#20-170 <i>People v. Arriola, S261740.</i>	(B297120; nonpublished opinion; Los Angeles County Superior Court; PA030665)
#20-233 <i>People v. Emairi, S263170.</i>	(C088844; nonpublished opinion; San Joaquin County Superior Court; STKCRFECOD20150005573)
#20-373 <i>People v. Dudley, S265248.</i>	(B300919; nonpublished opinion; Los Angeles County Superior Court; BA439602)
#21-02 <i>People v. Aguilar, S265975.</i>	(G057134; nonpublished opinion; Orange County Superior Court; 17CF2394)

#21-31 <i>People v. Dealba</i>, S265837.	(B303584; nonpublished opinion; Los Angeles County Superior Court; PA073050)
#21-51 <i>People v. Alcaez</i>, S266295.	(G058729; nonpublished opinion; Orange County Superior Court; 97CF0037)
#21-67 <i>People v. Lopez</i>, S265974.	(H047254; 56 Cal.App.5th 936; Monterey County Superior Court; SS121859)
#21-73 <i>People v. Austin</i>, S266398.	(B301152; nonpublished opinion; Santa Barbara County Superior Court; 1027776)
#21-115 <i>People v. Chavez</i>, S266798.	(B304105; nonpublished opinion; Los Angeles County Superior Court; VA117603)
#21-116 <i>People v. Franco</i>, S266349.	(H047797; nonpublished opinion; Monterey County Superior Court; SS062690)
#21-123 <i>People v. Rodriguez</i>, S266652.	(B303099; 58 Cal.App.5th 227; Los Angeles County Superior Court; KA071098)
#21-124 <i>People v. Villegas</i>, S266616.	(B300146; nonpublished opinion; Los Angeles County Superior Court; GA032022)
#21-131 <i>People v. Delery</i>, S267054.	(B305434; nonpublished opinion; Los Angeles County Superior Court; MA043949)
#21-170 <i>People v. Bustamante</i>, S267320.	(B301333; nonpublished opinion; Los Angeles County Superior Court; BA292725)
#21-183 <i>People v. Nava</i>, S267359.	(B303587; nonpublished opinion; Los Angeles County Superior Court; LA036614)
#21-212 <i>People v. Clements</i>, S267624.	(E073965; 60 Cal.App.5th 597; Inyo Superior Court; SICRF1989169810)
#21-237 <i>In re Flores</i>, S267808.	(G058938; nonpublished opinion; Orange County Superior Court; 94CF2726)
#21-473 <i>People v. Gallardo</i>, S270466.	(B308954; nonpublished opinion; Los Angeles County Superior Court; VA091171)
#21-264 <i>People v. Hernandez</i>, S267857.	(B303608; nonpublished opinion; Los Angeles County Superior Court; BA285268)
#21-280 <i>People v. Gonzalez</i>, S268519.	(E074653; nonpublished opinion; Riverside County Superior Court; RIF117693)
#21-297 <i>People v. Valdivia</i>, S268196.	(B302201; nonpublished opinion; Los Angeles County Superior Court; BA225456)

#21-304 <i>People v. Cernogg, S268158.</i>	(B303218; nonpublished opinion; Los Angeles County Superior Court; TA085192)
#21-317 <i>People v. Camacho, S268812.</i>	(C090113; nonpublished opinion; Sacramento County Superior Court; 15F01261)
#21-340 <i>People v. Santisteven, S268910.</i>	(B301404; nonpublished opinion; Los Angeles County Superior Court; GA059086)
#21-359 <i>People v. Castro, S268975.</i>	(B303372; nonpublished opinion; Los Angeles County Superior Court; A375846)
#21-360 <i>People v. Garcia, S269225.</i>	(B307757; nonpublished opinion; Los Angeles County Superior Court; BA357126)
#21-372 <i>People v. Fortman, S269228.</i>	(B034567; 64 Cal.App.5th 217; Los Angeles County Superior Court; 319016, 319060)
#21-394 <i>People v. Abdul-Malik, S269726.</i>	(B306876; nonpublished opinion; Los Angeles County Superior Court; GA045631)
#21-395 <i>People v. Arenas, S269232.</i>	(E074088; nonpublished opinion; Riverside County Superior Court; RIF1103487)
#21-410 <i>People v. Albarran, S269781.</i>	(D077893; nonpublished opinion; Riverside County Superior Court; INF060734)
#21-411 <i>People v. Contreras, S269809.</i>	(D077860; nonpublished opinion; San Diego County Superior Court; SCD238193)
#21-440 <i>People v. Epperson, S270107.</i>	(F081044; nonpublished opinion; Kings County Superior Court; 14CM1949HTA)
#21-451 <i>People v. Logan, S270078.</i>	(B304591; nonpublished opinion; Los Angeles County Superior Court; A638508)
#21-463 <i>People v. Barnett, S270248.</i>	(G059192; nonpublished opinion; San Bernardino County Superior Court; FSB053188)
#21-471 <i>People v. Chavez, S270488.</i>	(B306999; nonpublished opinion; Los Angeles County Superior Court; TA115954)
#21-472 <i>People v. Dixon, S270454.</i>	(B307528; nonpublished opinion; Los Angeles County Superior Court; BA128574)

#21-474 <i>People v. Gonzalez, S270453.</i>	(B307148; nonpublished opinion; Los Angeles County Superior Court; PA056995)
#21-487 <i>People v. Alarcon, S270518.</i>	(B311345; nonpublished opinion; Los Angeles County Superior Court; BA203925)
#21-488 <i>People v. Diaz, S270698.</i>	(C092548; nonpublished opinion; Sacramento County Superior Court; 06F00542)
#21-501 <i>People v. Gonzalez, S270771.</i>	(H046911; nonpublished opinion; Monterey County Superior Court; SS981989)
#21-514 <i>People v. Hernandez, S270663.</i>	(C091247; nonpublished opinion; San Joaquin County Superior Court; STKCRFE20090008905)
#21-515 <i>People v. Soy, S270880.</i>	(B307805; nonpublished opinion; Los Angeles County Superior Court; NA074870)

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

#20-279 <i>People v. Lee, S264128.</i>	(B297565; nonpublished opinion; Los Angeles County Superior Court; TA087633)
#20-293 <i>People v. Celaya, S264110.</i>	(B297652; nonpublished opinion; Los Angeles County Superior Court; PA066593)
#20-313 <i>People v. Green, S264485.</i>	(E074346; nonpublished opinion; San Bernardino County Superior Court; FSB1102089)
#20-350 <i>People v. Wright, S264992.</i>	(B300278; nonpublished opinion; Los Angeles County Superior Court; BA154420)
#20-364 <i>People v. Davis, S265425.</i>	(B297734; nonpublished opinion; Los Angeles County Superior Court; TA103093)
#21-28 <i>People v. Roldan, S266031.</i>	(B298570; 56 Cal.App.5th 997; Los Angeles County Superior Court; NA080558)
#21-109 <i>People v. Diaz, S266984.</i>	(C091310; nonpublished opinion; San Joaquin County Superior Court; STKCRFE19860000270, 38223)

#21-245 <i>People v. Odom, S267879.</i>	(A168316; nonpublished opinion; Solano County Superior Court; VCR211543)
#21-261 <i>People v. Goodwin, S268144.</i>	(B307231; nonpublished opinion; Los Angeles County Superior Court; GA052683)
#21-287 <i>People v. Morgan, S268206.</i>	(B301411; nonpublished opinion; Los Angeles County Superior Court; BA152037)
#21-319 <i>People v. Miller, S268837.</i>	(B300200; nonpublished opinion; Los Angeles County Superior Court; TA112805)

Review in the following cases, which were granted and held for *People v. Raybon* (2021) 11 Cal.5th 1056, was dismissed:

#20-224 <i>People v. Whalum, S262935.</i>	(D076384; 50 Cal.App.5th 1; Imperial County Superior Court; JCF33890)
#20-306 <i>People v. Herrera, S264339.</i>	(H046631; 52 Cal.App.5th 982; Monterey County Superior Court; 17CR000630)
#20-330 <i>People v. Archuleta, S264770.</i>	(D077364; nonpublished opinion; Imperial County Superior Court; JCF30393)
#20-331 <i>People v. Livingston, S264761.</i>	(D076418; nonpublished opinion; Imperial County Superior Court; JCF001578)
#20-346 <i>People v. Holmes, S264987.</i>	(D077120; nonpublished opinion; Imperial County Superior Court; JCF001041)
#20-394 <i>People v. Keshishian, S265593.</i>	(D076284; nonpublished opinion; Imperial County Superior Court; JCF30252)
#21-17 <i>People v. Donaldson, S265880.</i>	(D076957; nonpublished opinion; Imperial County Superior Court; JCF000898)
#21-24 <i>People v. Cobbs, S266144.</i>	(D076974; nonpublished opinion; Imperial County Superior Court; JCF33689)
#21-45 <i>People v. Holmes, S266198.</i>	(D076560; nonpublished opinion; Imperial County Superior Court; JCF27104)

#21-63 <i>People v. Hernandez</i>, S266284.	(D076941; nonpublished opinion; Imperial County Superior Court; JCF36035)
#21-64 <i>People v. Jones</i>, S266170.	(A158367; nonpublished opinion; Solano County Superior Court; FCR273455)
#21-65 <i>People v. Lynch</i>, S266288.	(D076181; nonpublished opinion; Imperial County Superior Court; JCF38345)
#21-85 <i>People v. Johnson</i>, S266506.	(E073775; nonpublished opinion; Riverside County Superior Court; RIF10001758)
#21-176 <i>People v. Foreman</i>, S267384.	(F079896; nonpublished opinion; Kern County Superior Court; DF014117A)
#21-178 <i>People v. Taylor</i>, S267344.	(H047540; 60 Cal.App.5th 115; Monterey County Superior Court; SS001208, SS981425)
#21-234 <i>People v. Cummings</i>, S268103.	(B305306; nonpublished opinion; Los Angeles County Superior Court; MA011541)
#21-235 <i>People v. Estacio</i>, S268067.	(C091386; nonpublished opinion; Lassen County Superior Court; CC036286)
#21-293 <i>People v. Jones</i>, S268604.	(D077396; nonpublished opinion; San Diego County Superior Court; SCS147831)
#21-302 <i>People v. Braganza</i>, S268694.	(C091158; nonpublished opinion; Lassen County Superior Court; CH030105)
#21-303 <i>People v. Brown</i>, S268725.	(B303072; nonpublished opinion; Los Angeles County Superior Court; MA070234)

STATUS

#20-15 *In re Lopez*, S258912. The court directed the parties to file supplemental briefs addressing the significance, if any, of Assembly Bill No. 333 (Stats. 2021, Ch. 699) to the issues presented in this case.

#21-531 *People v. Prudholme*, S271057. The court ordered briefing in this case, in which briefing was previously deferred pending decision in *People v. Hernandez*, S265739 (#21-36). This case presents the following issues: (1) Does Assembly Bill No. 1950 (Stats. 2020, ch. 328) apply retroactively under *In re Estrada* (1965) 63 Cal.2d 740? (2) If so, does the remand procedure of *People v. Stamps* (2020) 9 Cal.5th 685 apply?

#

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.