



Supreme Court of California  
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**NEWS RELEASE**

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**FOR IMMEDIATE RELEASE**

August 12, 2022

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## Summary of Cases Accepted and Related Actions During Week of August 8, 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.]*

**#22-217 *People v. Lynch*, S274942.** (C094174; nonpublished opinion; Sacramento County Superior Court; 20FE009532.) Petition for review after the Court of Appeal modified and affirmed a judgment of conviction of criminal offenses. This case 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)?

**#22-218 *Romero v. Shih*, S275023.** (B310069; 78 Cal.App.5th 326; Los Angeles County Superior Court; EC064933.) Petitions for review after the Court of Appeal affirmed in part and reversed in part a judgment in a civil action. This case presents the following issue: Did the trial court correctly find the existence of an implied easement under the facts?

**#22-219 *People v. Amante*, S275395.** (A161567; nonpublished opinion; Sonoma County Superior Court; SCR32760.) 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. Curiel*, S272238 (#21-23), which presents the following issue: Does a jury's true finding on a gang-murder special circumstance (Pen. Code, § 190.2, subd. (a)(22)) preclude a defendant from making a prima facie showing of eligibility for resentencing under Penal Code section 1170.95?

**#22-220 *People v. Avendano*, S275083.** (F079411; nonpublished opinion; Kern County Superior Court; BF167017A, BF167017B, BF167017C.) Petitions for review after the Court of Appeal affirmed in part and conditionally reversed in part judgments of conviction of criminal offenses and remanded for further proceedings.

**#22-221 *People v. Castaneda*, S274689.** (B307392, B310635; nonpublished opinion; Los Angeles County Superior Court; TA148781, TA148781.) Petitions for review after the Court of Appeal affirmed in part and conditionally reversed in part judgments of conviction of criminal offenses and remanded for further proceedings.

**#22-222 *People v. Gonzalez*, S275113.** (H046836; nonpublished opinion; Santa Clara County Superior Court; 214496.) Petition for review after the Court of Appeal affirmed in part and conditionally reversed in part a judgment of conviction of criminal offenses and remanded for further proceedings.

**#22-223 *People v. Perez*, S275089.** (F080852; nonpublished opinion; Tulare County Superior Court; VCF361905A.) Petition for review after the Court of Appeal affirmed in part and conditionally reversed in part a judgment of conviction of criminal offenses and remanded for further proceedings.

The court ordered briefing in *Avendano*, *Castaneda*, *Gonzalez*, and *Perez* deferred pending decision in *People v. Tran*, S165998, an automatic appeal, which includes an issue involving the retroactivity of the provision in Assembly Bill No. 333 (Stats. 2021, ch. 699) permitting the bifurcation of gang allegations at trial (Pen. Code, § 1109).

**#22-224 *People v. Gonzales*, S275191.** (F080029; nonpublished opinion; Fresno County Superior Court; F18902486.) Petition for review after the Court of Appeal affirmed in part and reversed in part a judgment of conviction of criminal offenses and remanded for resentencing. 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?

**#22-225 *Sanchez v. MC Painting*, S274780.** (D078817; nonpublished opinion; San Diego County Superior Court; 37-2020-00030754-CU-OE-CTL.) Petition for review after the Court of Appeal affirmed an order denying a petition to compel arbitration in a civil action.

**#22-226 *Wing v. Chico Healthcare & Wellness Centre, LP*, S274939.** (B310232; 78 Cal.App.5th 22; Los Angeles County Superior Court; BC719077.) Petition for review after the Court of Appeal affirmed an order denying a petition to compel arbitration in a civil action.

The court ordered briefing in *Sanchez* and *Wing* deferred pending decision in *Adolph v. Uber Technologies, Inc.*, S274671 (#22-204), which presents the following issue: Whether an aggrieved employee who has been compelled to arbitrate claims under the Private Attorneys General Act (PAGA) that are “premised on Labor Code violations actually sustained by” the aggrieved employee (*Viking River Cruises, Inc. v. Moriana* (2022) 596 U.S. \_\_, \_\_ [142 S.Ct. 1906, 1916] (*Viking River Cruises*); see Lab. Code, §§ 2698, 2699, subd. (a)) maintains statutory standing to pursue “PAGA claims arising out of events involving other employees” (*Viking River Cruises*, at p. \_\_ [142 S.Ct. at p. 1916]) in court or in any other forum the parties agree is suitable.

**#22-227 *People v. Vaughn*, S274644.** (E073346; 77 Cal.App.5th 609; San Bernardino County Superior Court; FSB18003370.) Petitions for review after the Court of Appeal modified and affirmed judgments 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)?

**DISPOSITIONS**

The following case was transferred for reconsideration in light of *People v. Padilla* (2022) 13 Cal.5th 152:

#21-537 <i>People v. Marsh</i> , S271345	(C088553; nonpublished opinion; Yolo County Superior Court; CRF132418)
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Review in the following case, which was granted and held for *People v. Padilla* (2022) 13 Cal.5th 152, was dismissed:

#21-452 <i>People v. Marshall</i> , S269639	(B305530; nonpublished opinion; Santa Barbara County Superior Court; 1026041)
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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.*