



**SUPREME COURT OF CALIFORNIA
ORAL ARGUMENT CALENDAR
SAN FRANCISCO SESSION
OCTOBER 4, 2023**

In accordance with [Administrative Order 2023-05-11](#), the Supreme Court has resumed in-person oral argument sessions. Counsel have the option to appear in person at these sessions, or remotely via video. The public may attend in person and will also continue to have access to argument via live-streaming on the judicial branch website: <https://supreme.courts.ca.gov/>.

The following cases are placed upon the calendar of the Supreme Court for hearing at its courtroom in the Ronald M. George State Office Complex, Earl Warren Building, 350 McAllister Street, Fourth Floor, San Francisco, California, on October 4, 2023.

WEDNESDAY, OCTOBER 4, 2023 — 1:30 P.M.

- (1) People v. Rojas (Fernando), S275835
- (2) Rodriguez (Mario) v. Superior Court of Santa Clara County (People, Real Party in Interest), S272129
- (3) In re N.R., S274943

GUERRERO

Chief Justice

If exhibits are to be transmitted to this court, counsel must apply to the court for permission. (See Cal. Rules of Court, rule 8.224(c).)

**SUPREME COURT OF CALIFORNIA
ORAL ARGUMENT CALENDAR
SAN FRANCISCO SESSION
OCTOBER 4, 2023**

The following case summaries are issued to inform the public about cases that the California Supreme Court has scheduled for oral argument and of their general subject matter. In most instances, the descriptions set out below are reproduced from the original news release issued when review in each of these matters was granted and are provided for the convenience of the public. The descriptions do not necessarily reflect the view of the court or define the specific issues that will be addressed by the court.

WEDNESDAY, OCTOBER 4, 2023 — 1:30 P.M.

(1) *People v. Rojas (Fernando), S275835*

#22-276 *People v. Rojas, S275835.* (F080361; 80 Cal.App.5th 542; Kern County Superior Court; BF171239B.) 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 limited review to the following issue: Does Assembly Bill No. 333 (Stats. 2021, ch. 699) unconstitutionally amend Proposition 21, if applied to the gang-murder special circumstance (Pen. Code, § 190.2, subd. (a)(22))?

(2) *Rodriguez (Mario) v. Superior Court of Santa Clara County (People, Real Party in Interest), S272129*

#22-02 *Rodriguez v. Superior Court, S272129.* (H049016; 70 Cal.App.5th 628; C1650275, C1647395). Petition for review after the Court of Appeal denied a petition for writ of prohibition. This case presents the following issue: Does an incompetency commitment end when a state hospital files a certificate of restoration to competency or when the trial court finds that defendant has been restored to competency?

(3) ***In re N.R., S274943***

#22-233 *In re N.R., S274943*. (B312001; nonpublished opinion; Los Angeles County Superior Court; 20CCJP06523.) Petition for review after the Court of Appeal affirmed orders in a juvenile dependency proceeding. This case presents the following issues: (1) What is the definition of “substance abuse” for purposes of declaring a child a dependent under Welfare and Institutions Code section 300, subdivision (b)(1)? (2) Where a child is under the age of six, does a finding of parental substance abuse alone provide sufficient evidence to warrant juvenile court jurisdiction?