FILED 9/16/2020

SUPREME COURT OF CALIFORNIA
ORAL ARGUMENT CALENDAR
SAN FRANCISCO SESSION
OCTOBER 7, 2020

Due to the COVID-19 coronavirus pandemic and related public health directives from state and local authorities, the procedures specified by Administrative Orders Nos. 2020-03-13 (Mar. 16, 2020), 2020-03-27 (March 27, 2020), and 2020-08-19 (August 19, 2020) apply. Counsel will appear remotely and courtroom seating for the press will be strictly limited to achieve appropriate distancing. The public will continue to have access to argument via live-streaming on the judicial branch website: https://www.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 7, 2020.

WEDNESDAY, OCTOBER 7, 2020 — 9:00 A.M.

(1) In re Gadlin (Gregory) on Habeas Corpus, S254599
(justice pro tempore to be assigned)

(2) People v. Gentile (Joseph, Jr.), S256698
(justice pro tempore to be assigned)

(3) Sass (Deborah) v. Cohen (Theodore), S255262
(justice pro tempore to be assigned)

1:30 P.M.

(4) People v. Moses III (Antonio Chavez), S258143
(justice pro tempore to be assigned)

CANTIL-SAKAUYE
_____
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).)

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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 7, 2020—9:00 A.M.

(1) ***In re Gadlin (Gregory) on Habeas Corpus, S254599 (justice pro tempore to be assigned)***
#19-53 In re Gadlin (Gregory) on Habeas Corpus, S254599. (B289852; 31 Cal.App.5th 784; Superior Court of Los Angeles County; BA165439, BH011480.) Petition for review after the Court of Appeal granted relief on a petition for writ of habeas corpus. This case includes the following issue: Under Proposition 57 (Cal. Const., art. I, § 32), may the California Department of Corrections and Rehabilitation categorically exclude from early parole consideration all prisoners who have been previously convicted of a sex offense requiring registration under Penal Code section 290?

(2) ***People v. Gentile (Joseph, Jr.), S256698 (justice pro tempore to be assigned)***
#19-141 People v. Gentile (Joseph, Jr.), S256698. (E069088; 25 Cal.App.5th 932; Superior Court of Riverside County; INF1401840.) Petition for review after the Court of Appeal affirmed a judgment of conviction of a criminal offense. The court limited review to the following issues: (1) Does the amendment to Penal Code section 188 by recently enacted Senate Bill No. 1437 eliminate second degree murder liability under the natural and probable consequences doctrine? (2) Does Senate Bill No. 1437 apply retroactively to cases not yet final on appeal? (3) Was it prejudicial error to instruct the jury in this case on natural and probable consequences as a theory of murder?

(3) ***Sass (Deborah) v. Cohen (Theodore), S255262 (justice pro tempore to be assigned)***
#19-57 Sass (Deborah) v. Cohen (Theodore), S255262. (B283122; 32 Cal.App.5th 1032, mod. 33 Cal.App.5th 942a; Superior Court of Los Angeles County; BC554035.) Petition for review after the Court of Appeal reversed the judgment in a civil action. The court limited review to the following issues: (1) In a complaint that seeks an accounting of specified assets, is the plaintiff required to plead a specific amount of damages to support a default judgment, or is it sufficient for purposes of Code of Civil Procedure section 580 to identify the assets that are in defendant's possession and request half of their value? (2) Should the comparison of whether a default judgment exceeds the amount of compensatory damages demanded in the operative pleadings examine the aggregate amount of non-duplicative damages or instead proceed on a claim-by-claim or item-by-item basis?

1:30 P.M.

(4) ***People v. Moses III (Antonio Chavez), S258143 (justice pro tempore to be assigned)***
#19-189 People v. Moses III (Antonio Chavez), S258143. (G055621; 38 Cal.App.5th 757; Orange County Superior Court; 16NF1413.) Review on the court's own motion after the Court of Appeal reversed in part and affirmed in part a judgment of conviction of criminal offenses. The court limited review to the following issue: Did the Court of Appeal err in reversing defendant's conviction for human trafficking of a minor (Pen. Code, § 236.1, subd. (c)(1)) on the ground that defendant was communicating with an adult police officer posing as a minor rather than an actual minor?