



Supreme Court of California  
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**NEWS RELEASE**

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**FOR IMMEDIATE RELEASE**

April 3, 2020

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## Summary of Cases Accepted and Related Actions During Week of March 30, 2020

*[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.]*

**#20-98 *Smith v. Loanme, Inc.*, S260391.** (E069752; 43 Cal.App.5th 844; Riverside County Superior Court; RIC1612501.) Petition for review after the Court of Appeal affirmed the judgment in a civil action. This case includes the following issue: Does Penal Code section 632.7 prohibit only third-party eavesdroppers from recording calls involving a cellular or cordless telephone, or does it also prohibit participants in calls from recording them without the other participants' consent?

**#20-99 *In re Ellington*, S260851.** (B296112; nonpublished opinion; Los Angeles County Superior Court; YA095609.) Petition for review after the Court of Appeal granted relief on a petition for writ of habeas corpus. The court ordered briefing deferred pending decision in *In re Gadlin*, S254599 (#19-53), which concerns whether the California Department of Corrections and Rehabilitation may categorically exclude from early parole consideration under Proposition 57 (Cal. Const., art. I, § 32) all prisoners who have been previously convicted of a sex offense requiring registration under Penal Code section 290, and *In re Mohammad*, S259999 (#20-52), which concerns whether a prisoner serving a sentence for a combination of violent and nonviolent felonies is eligible for early parole consideration under the provisions of Proposition 57 following completion of the term for his or her primary offense.

**#20-100 *People v. Garcia*, S260237.** (C066714. C066716; nonpublished opinion; Sacramento County Superior Court; 07F09847.) Petition for review after the Court of Appeal affirmed in part and reversed in part judgments of conviction of criminal offenses. The court ordered briefing deferred pending decision in *People v. Gentile*, S256698 (#19-141), which presents 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?

**#20-101 *People v. Jackson, S260842.*** (B292752; nonpublished opinion; Los Angeles County Superior Court; BA461416.) Petition for review after the Court of Appeal modified and affirmed a judgment of conviction of a criminal offense. The court ordered briefing deferred pending decision in *People v. Frahs, S252220* (#18-175), which concerns the retroactivity of Penal Code section 1001.36 apply retroactively, and *People v. Stamps, S255843* (#19-63), which concerns whether a certificate of probable cause is required for a defendant to challenge a negotiated sentence based on a subsequent ameliorative, retroactive change in the law?

## STATUS

**#19-08 *In re Palmer, S252145.*** The court directed the parties to file supplemental briefs addressing the following issue: What bearing, if any, does the adoption of the Board of Parole Hearings' final regulations governing parole consideration hearings for youth offenders have on this court's examination of the question presented for review in the above-titled case?

**#19-15 *Wilde v. City of Dunsmuir, S252915.*** The court directed the parties to file supplemental briefs addressing the following issue: Does the exception to the referendum power in article II, section 9, subdivision (a), of the California Constitution apply to all statutes providing for tax levies, or only those statutes providing for tax levies that are "for usual current expenses of the State"? (See *Geiger v. Board of Supervisors* (1957) 48 Cal.2d 832, 836, fn. \*.)

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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.*