



Supreme Court of California  
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**NEWS RELEASE**

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**FOR IMMEDIATE RELEASE**

April 17, 2020

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## Summary of Cases Accepted and Related Actions During Week of April 13, 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.]*

**#20-102 *People v. Bautista*, S260558.** (G057499; nonpublished opinion; Orange County Superior Court; 09NF3148.) Petition for review after the Court of Appeal affirmed an order denying a post-judgment motion in a criminal matter.

**#20-103 *People v. Forch*, S260788.** (B296637; nonpublished opinion; Los Angeles County Superior Court; MA030634.) Petition for review after the Court of Appeal affirmed an order denying a post-judgment motion in a criminal matter.

**#20-104 *People v. Miller*, S260857.** (B295952; nonpublished opinion; Los Angeles County Superior Court; VA097054.) Petition for review after the Court of Appeal affirmed an order denying a post-judgment motion in a criminal matter.

**#20-105 *People v. West*, S261178.** (A157163; nonpublished opinion; Alameda County Superior Court; 152985C.) 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 *Bautista*, *Forch*, *Miller*, and *West* deferred pending decision in *People v. Lewis*, S260598 (#20-78), which presents the following issues: (1) May superior courts consider the record of conviction in determining whether a defendant has made a prima facie showing of eligibility for relief under Penal Code section 1170.95? (2) When does the right to appointed counsel arise under Penal Code section 1170.95, subdivision (c)?

**#20-106 *People v. Schweitzer*, S261093.** (C086895; nonpublished opinion; Siskiyou County Superior Court; SCCRCRF20171251, SCCRCRF20161304.) Petition for review after the Court of Appeal affirmed a judgment of conviction of criminal offenses.

**#20-107 *People v. Tardy, S260936.*** (C086572; nonpublished opinion; Sacramento County Superior Court; 16FE015244.) Petition for review after the Court of Appeal affirmed a judgment of conviction of a criminal offense.

The court ordered briefing in *Schweitzer* and *Tardy* deferred pending decision in *People v. Frahs, S252220* (#18-175), which presents the following issues: (1) Does Penal Code section 1001.36 apply retroactively to all cases in which the judgment is not yet final? (2) Did the Court of Appeal err by remanding for a determination of defendant's eligibility under Penal Code section 1001.36?

**#20-108 *People v. Thomas, S260624.*** (B288172; nonpublished opinion; Los Angeles County Superior Court; BA432214.) Petition for review after the Court of Appeal affirmed a judgment of conviction of criminal offenses. The court ordered briefing deferred pending decision in *People v. Lemcke, S250108* (#18-136), which presents the following issue: Does instructing a jury with CALCRIM No. 315 that an eyewitness's level of certainty can be considered when evaluating the reliability of the identification violate a defendant's due process rights?

**#20-109 *People v. Villareal, S261080.*** (B291257; nonpublished opinion; Los Angeles County Superior Court; BA444273, BA446260.) Petition for review after the Court of Appeal affirmed in part and reversed in part a judgment of conviction of criminal offenses. The court ordered briefing deferred pending decision in *People v. Lopez, S258175* (#19-172), which presents the following issues: (1) Does Senate Bill No. 1437 (Stats. 2018, ch. 1015) apply to attempted murder liability under the natural and probable consequences doctrine? (2) In order to convict an aider and abettor of attempted willful, deliberate and premeditated murder under the natural and probable consequences doctrine, must a premeditated attempt to murder have been a natural and probable consequence of the target offense? In other words, should *People v. Favor* (2012) 54 Cal.4th 868 be reconsidered in light of *Alleyne v. United States* (2013) 570 U.S. 99 and *People v. Chiu* (2014) 59 Cal.4th 155?

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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.*