



Supreme Court of California  
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**NEWS RELEASE**

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**FOR IMMEDIATE RELEASE**

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## Summary of Cases Accepted and Related Actions During Week of April 27, 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.]*

**#20-114 *People v. Collins*, S260740.** (C085063; nonpublished opinion; Sacramento County Superior Court; 16FE022148.) Petition for review after the Court of Appeal modified and affirmed a judgment of conviction of a criminal offense.

**#20-115 *People v. Magana*, S260780.** (B280357; nonpublished opinion; Los Angeles County Superior Court; PA083962.) Petition for review after the Court of Appeal affirmed judgments of conviction of criminal offenses.

The court ordered briefing in *Collins* and *Magana* deferred pending decision in *People v. Bryant*, S259956 (#20-50), which presents the following issue: Should the validity of a condition of release on mandatory supervision be assessed under the standards applicable to conditions of parole or the standards applicable to conditions of probation?

**#20-116 *People v. Gamboa*, S261029.** (C087771; nonpublished opinion; San Joaquin County Superior Court; STKCRFECOD20150006747.) Petition for review after the Court of Appeal reversed in part and affirmed 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?

**#20-117 *People v. Melara, S261087.*** (B289019; nonpublished opinion; nonpublished opinion; Los Angeles County Superior Court; BA427561.) Petition for review after the Court of Appeal affirmed a judgment of conviction of a criminal offense. The court ordered briefing deferred pending decision in *People v. Tirado, S257658* (#19-174), which presents the following issue: Can the trial court impose an enhancement under Penal Code section 12022.53, subdivision (b), for personal use of a firearm, or under section 12022.53, subdivision (c), for personal and intentional discharge of a firearm, as part of its authority under section 1385 and subdivision (h) of section 12022.53 to strike an enhancement under subdivision (d) for personal and intentional discharge of a firearm resulting in death or great bodily injury, even if the lesser enhancements were not charged in the information or indictment and were not submitted to the jury?

**#20-118 *People v. Sheppard, S261295.*** (H045521; nonpublished opinion; Santa Clara County Superior Court; F1347150.) Petition for review after the Court of Appeal affirmed a judgment of conviction of a criminal offense.

**#20-119 *People v. Stone, S261098.*** (G056524; nonpublished opinion; Orange County Superior Court; 15NF0081.) Petition for review after the Court of Appeal affirmed a judgment of conviction of a criminal offense.

The court ordered briefing in *Sheppard* and *Stone* 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?

## STATUS

*People v. Navarro, S165195.* The court directed the parties in this automatic appeal to file supplemental briefs addressing the following issues: Was expert testimony that is excludable under *People v. Sanchez* (2016) 63 Cal.4th 665 (*Sanchez*) admitted at defendant's trial? If so, can the admission of such evidence be asserted as a ground for reversal in this appeal (see, e.g., *People v. Perez* (2020) 9 Cal.5th 1)? Assuming affirmative answers to the first two questions, was the admission of such testimony prejudicial to defendant?

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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.*