



Supreme Court of California
350 McAllister Street, San Francisco, CA 94102-4797
www.courts.ca.gov/supremecourt

NEWS RELEASE

Contact: [Cathal Conneely](mailto:Cathal.Conneely@courts.ca.gov), 415-865-7740

FOR IMMEDIATE RELEASE

July 24, 2020

Summary of Cases Accepted and Related Actions During Week of July 20, 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.]

#20-188 Geiser v. Kuhns, S262032. (B279738; nonpublished opinion; Los Angeles County Superior Court; BS161018, BS161019, BS161020.) Petition for review after the Court of Appeal affirmed an order awarding attorney fees in a civil action. The court limited review to the following issue: How should it be determined what public issue or issue of public interest is implicated by speech within the meaning of the anti-SLAPP statute (Code of Civ. Proc., § 425.16, subd. (e)(4)) and the first step of the two-part test articulated in *FilmOn.com Inc. v. DoubleVerify Inc.* (2019) 7 Cal.5th 133, 149-150, and should deference be granted to a defendant's framing of the public interest issue at this step?

#20-189 People v. Williams, S262229. (D074098; 47 Cal.App.5th 475; San Diego County Superior Court; SCD268493.) Petition for review after the Court of Appeal affirmed a judgment of conviction of criminal offenses. The court limited review to the following issue: Does Penal Code section 3051, subdivision (h), violate the equal protection clause of the Fourteenth Amendment by excluding young adults convicted and sentenced for serious sex crimes under the One Strike law (Pen. Code, § 667.61) from youth offender parole consideration, while young adults convicted of first degree murder are entitled to such consideration?

#20-190 People v. Conway, S262852. (H044790; nonpublished opinion; Santa Clara County Superior Court; C1484487.) 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?

#20-191 *People v. Hawk, S262401.* (C089271; nonpublished opinion; Shasta County Superior Court; 95F1702.) Petition for review after the Court of Appeal affirmed an order denying a post-judgment motion in a criminal matter.

#20-192 *People v. Smith, S262835.* (B298642; 49 Cal.App.5th 85; Los Angeles County Superior Court; BA042241.) Petition for review after the Court of Appeal reversed an order denying a post-judgment motion in a criminal matter.

#20-193 *People v. Thlang, S262740.* (C089529; nonpublished opinion; San Joaquin County Superior Court; STKCRFE20050007223, SF095149F.) 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 *Hawk, Smith, and Thlang* 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)?

#20-194 *People v. Superior Court (Rodriguez), S263223.* (F079155; nonpublished opinion; Stanislaus County Superior Court; 506846.) Petition for review after the Court of Appeal denied a petition for peremptory writ of mandate. The court ordered briefing deferred pending decision in *O.G. v. Superior Court, S259011* (#19-190), which presents the following issue: Did Senate Bill No. 1391 (Stats. 2018, ch. 1012), which eliminated the possibility of transfer to adult criminal court for crimes committed when a minor was 14 or 15 years old, unconstitutionally amend Proposition 57?

#20-195 *People v. Valles, S262757.* (E071361; 49 Cal.App.5th 156; Riverside County Superior Court; RIF1603061.) 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?

#20-196 *Weimer v. Nationstar Mortgage, LCC, S262024.* (C080550; 47 Cal.App.5th 341; Placer County Superior Court; SCV0035286.) Petition for review after the Court of

Appeal affirmed in part and reversed in part the judgment in a civil action. The court ordered briefing deferred pending decision in *Sheen v. Wells Fargo Bank, N.A.*, S258019 (#19-173), which presents the following issue: Does a mortgage servicer owe a borrower a duty of care to refrain from making material misrepresentations about the status of a foreclosure sale following the borrower's submission of, and the servicer's agreement to review, an application to modify a mortgage loan?

#20-197 *People v. Williams*, S262191. (A157031; nonpublished opinion; Contra Costa County Superior Court; 51422005.) Petition for review after the Court of Appeal remanded for resentencing and otherwise affirmed a judgment of conviction of criminal offenses. The court ordered briefing deferred pending decision in *People v. Williams*, S262229 (#20-189), which presents the following issue: Does Penal Code section 3051, subdivision (h), violate the equal protection clause of the Fourteenth Amendment by excluding young adults convicted and sentenced for serious sex crimes under the One Strike law (Pen. Code, § 667.61) from youth offender parole consideration, while young adults convicted of first degree murder are entitled to such consideration?

#

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.