



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

August 21, 2020

Summary of Cases Accepted and Related Actions During Week of August 17, 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.]

#20-225 *Betancourt v. OS Restaurant Services, LLC, S262866.* (B293625; 49 Cal.App.5th 240; Los Angeles County Superior Court; BC629916.) Petition for review after the Court of Appeal reversed the award of attorney fees in a civil action. The court ordered briefing deferred pending decision in *Naranjo v. Spectrum Security Services, Inc.*, S258966 (#20-02), which presents the following issues: (1) Does a violation of Labor Code section 226.7, which requires payment of premium wages for meal and rest period violations, give rise to claims under Labor Code sections 203 and 226 when the employer does not include the premium wages in the employee's wage statements but does include the wages earned for meal breaks? (2) What is the applicable prejudgment interest rate for unpaid premium wages owed under Labor Code section 226.7?

#20-226 *People v. Brinson, S263341.* (A157869; nonpublished opinion; Sonoma County Superior Court; SCR289231.) Petition for review after the Court of Appeal affirmed an order denying a post-judgment motion in a criminal matter. The court ordered briefing 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)? and 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?

#20-227 *Conservatorship of J.Y., S263044.* (A157323; 49 Cal.App.5th 220; Contra Costa County Superior Court; P0400120.) Petition for review after the Court of Appeal dismissed as moot an appeal in a conservatorship proceeding. The court ordered briefing deferred pending decision in *Conservatorship of E.B.*, S261812 (#20-155), which presents the following issue: Does equal protection require that persons subject to a conservatorship under the Lanterman-Petris-Short Act (Welf. & Inst. Code, § 5350) have the same right to invoke the statutory privilege not to testify as persons subject to involuntary commitments under Penal Code section 1026.5 after a finding of not guilty by reason of insanity?

#20-228 *People v. Lima, S263048.* (B293030; 49 Cal.App.5th 523; Los Angeles County Superior Court; TA141014.) 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. 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?

#20-229 *People v. Mesaramos, S263365.* (A157828; nonpublished opinion; Alameda County Superior Court; H39529B.) Petition for review after the Court of Appeal affirmed an order denying a post-judgment motion in a criminal matter.

#20-230 *People v. Smith, S263273.* (B298413; nonpublished opinion; Los Angeles County Superior Court; A974333.) 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 *Mesaramos* and *Smith* 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)?

DISPOSITIONS

The following cases were transferred for reconsideration in light of *People v. Frahs* (2020) 9 Cal.5th 618:

#18-176 <i>People v. Demedio, S251689</i>	(E068595; nonpublished opinion; Riverside County Superior Court; SWF1203227)
#19-03 <i>People v. Bonner, S252170</i>	(C085457; nonpublished opinion; Plumas County Superior Court; F1700110)
#19-13 <i>People v. Roark, S252389</i>	(A151503; nonpublished opinion; Solano County Superior Court; VCR222819)
#19-28 <i>People v. Peterson, S253442</i>	(F077135; nonpublished opinion; Kern County Superior Court; BF165609A, BF163967A, BF166408A)
#19-44 <i>People v. Rocco, S254264</i>	(F074772; nonpublished opinion; Stanislaus County Superior Court; 1416930)
#19-49 <i>People v. Colon, S254628</i>	(C084537; nonpublished opinion; Sacramento County Superior Court; 14F06476)
#19-133 <i>People v. Klein, S257068</i>	(F077903; nonpublished opinion; Fresno County Superior Court; F18900428)
#19-143 <i>People v. Craine, S256671</i>	(F074622; 35 Cal.App.5th 744; Kern County Superior Court; DF012338A)
#19-145 <i>People v. Thompson. S256911</i>	(F077598; nonpublished opinion; Fresno County Superior Court; M17911630, F17900396)
#19-146 <i>People v. Young, S257112</i>	(B291756; nonpublished opinion; Los Angeles County Superior Court; YA097437)
#19-176 <i>People v. Morehouse, S257908</i>	(F076241; nonpublished opinion; Kern County Superior Court; BF163986A)
#19-187 <i>People v. Quiroz. S258093</i>	(B287491; nonpublished opinion; Los Angeles County Superior Court; KA111747)
#20-10 <i>People v. Torres, S258811</i>	(B292495; nonpublished opinion; Los Angeles County Superior Court; BA451597)
#20-26 <i>People v. Moore, S259087</i>	(B286405; nonpublished opinion; Los Angeles County Superior Court; GA095941)
#20-30 <i>People v. Khan, S259498</i>	(H045524; 41 Cal.App.5th 460; Santa Clara County Superior Court; B1683806)
#20-32 <i>People v. Wafer, S259402</i>	(F075412; nonpublished opinion; Fresno County Superior Court; F11900322, F16906924)
#20-44 <i>People v. Cross, S260029</i>	(C087767; nonpublished opinion; Shasta County Superior Court; 16F5140, 17F2259)
#20-67 <i>People v. Colbert, S260015</i>	(B291207; nonpublished opinion; Los Angeles County Superior Court; BA456180)
#20-70 <i>People v. Wealth, S259988</i>	(B294035; nonpublished opinion; Los Angeles County Superior Court; BA462465)
#20-85 <i>People v. Quintanilla, S260685</i>	(F076951; nonpublished opinion; Fresno County Superior Court; F16903103)

#20-101 <i>People v. Jackson, S260842</i>	(B292752; nonpublished opinion; Los Angeles County Superior Court; BA461416)
#20-106 <i>People v. Schweitzer, S261093</i>	(C086895; nonpublished opinion; Siskiyou County Superior Court; SCCRCRF20171251, SCCRCRF20161304)
#20-107 <i>People v. Tardy, S260936</i>	(C086572; nonpublished opinion; Sacramento County Superior Court; 16FE015244)
#20-129 <i>People v. Lipsett, S261323</i>	(H045282; 45 Cal.App.5th 569; Monterey County Superior Court; SS160402)

#

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.