



Supreme Court of California
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NEWS RELEASE

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FOR IMMEDIATE RELEASE

September 11, 2020

Summary of Cases Accepted and Related Actions During Week of September 7, 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.]

#20-237 *Walker v. Superior Court*, S263588. (A159563; 51 Cal.App.5th 682; San Francisco County Superior Court; 2219428.) Petition for review after the Court of Appeal denied a petition for peremptory writ of mandate. This case presents the following issue: Did the superior court violate the rule of *People v. Sanchez* (2016) 63 Cal.4th 665 — that an expert cannot relate case-specific hearsay unless the facts are independently proved or covered by a hearsay exception — by relying on case-specific hearsay contained in psychological evaluations in finding probable cause to commit petitioner under the Sexually Violent Predator Act?

#20-238 *People v. Boode*, S263544. (A157879; nonpublished opinion; Alameda County Superior Court; H46925A.) Petition for review after the Court of Appeal affirmed an order denying a post-judgment motion in a criminal matter.

#20-239 *People v. Gutierrez*, S263661. (B300949; nonpublished opinion; Los Angeles County Superior Court; BA149083.) Petition for review after the Court of Appeal affirmed an order denying a post-judgment motion in a criminal matter.

#20-240 *People v. Jones*, S263563. (C090013; nonpublished order; San Joaquin County Superior Court; STKCR CNV19980016791.) Petition for review after the Court of Appeal dismissed the appeal from an order denying a post-judgment motion in a criminal matter.

#20-241 *People v. Medrano*, S263669. (B297430; nonpublished opinion; Los Angeles County Superior Court; BA291921.) Petition for review after the Court of Appeal affirmed an order denying a post-judgment motion in a criminal matter.

#20-242 *People v. Orcasitas*, S263323. (B298698; nonpublished opinion; Los Angeles County Superior Court; MA004571.) Petition for review after the Court of Appeal affirmed an order denying a post-judgment motion in a criminal matter.

#20-243 *People v. Perez*, S263671. (G057539; nonpublished opinion; Orange County Superior Court; 07NF3732.) Petition for review after the Court of Appeal affirmed an order denying a post-judgment motion in a criminal matter.

#20-244 *People v. Simmons*, S263606. (E072550; nonpublished opinion San Bernardino County Superior Court; FSB05319.) 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 *Boode*, *Gutierrez*, *Jones*, *Medrano*, *Orcasitas*, *Perez*, and *Simmons* 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)?

#20-245 *People v. Juarez*, S263518. (G057618; nonpublished opinion; Orange County Superior Court; 04CF0986.) Petition for review after the Court of Appeal affirmed a judgment of conviction of criminal offenses.

#20-246 *People v. Lewis*, S263797. (B298820; nonpublished opinion; Los Angeles County Superior Court; TA125019.) 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 *Juarez* and *Lewis* 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?

#20-247 *People v. Milazo*, S263602. (D074159; nonpublished opinion; San Diego County Superior Court; SCE360034.) 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. Esquivel*, S262551 (#20-207), which presents the following issue: Is the judgment in a criminal case considered final for purposes of

applying a later ameliorative change in the law when probation is granted and execution of sentence is suspended, or only upon revocation of probation when the suspended sentence is ordered into effect?

#20-248 *People v. Williams*, S263129. (B300341; nonpublished opinion; Los Angeles County Superior Court; BA212549.) 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?

DISPOSITIONS

People v. Reed, S197781, an automatic appeal, was abated upon the death of the appellant.

The following case was transferred for reconsideration in light of *Ward v. United Air Lines, Inc.* (2020) 9 Cal.5th 732 and *Oman v. Delta Air Lines, Inc.* (2020) 9 Cal.5th 762:

#20-161 <i>Gulf Offshore Logistics v. Superior Court</i>, S261881.	(B298318; 45 Cal.App.5th 285; Ventura County Superior Court; 56-2016-00484144-CU-OE-VTA)
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The following case was transferred for reconsideration in light of *Ixchel Pharma LLC v. Biogen, Inc.* (2020) 9 Cal.5th 1130:

#19-182 <i>Quidel Corp. v. Superior Court</i>, S258283.	(D075217; 39 Cal.App.5th 530; San Diego County Superior Court; 37-2017-00044865-CU-AT-CTL)
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The following cases were transferred for reconsideration in light of *In re Scoggins* (2020) 9 Cal.5th 667:

#20-27 <i>In re Parish</i>, S259382.	(B292582; 42 Cal.App.5th 788; Los Angeles County Superior Court; BA260528)
#20-130 <i>In re McDowell</i>, S261450.	(A157020; 45 Cal.App.5th 921; Sonoma County Superior Court; SCR33484)

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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.