



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 September 14, 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.]

#20-249 *Boermeester v. Carry, S263180.* (B290675; 49 Cal.App.5th 682; Los Angeles County Superior Court; BS170473.) Petition for review after the Court of Appeal reversed the judgment in an action for writ of administrative mandate. This case includes the following issue: Does the common law right to fair procedure require private universities to provide for cross-examination of witnesses at a live hearing in the context of allegations of domestic violence?

#20-250 *Hill RHF Housing Partners, L.P. v. City of Los Angeles, S263734.* (B295181, B295315; 51 Cal.App.5th 621; Los Angeles County Superior Court; BS170127, BS170352.) Petition for review after the Court of Appeal after the Court of Appeal affirmed the judgments in actions for writ of administrative mandate. The court limited review to the following issues: (1) In order to bring a judicial action challenging the validity of an assessment imposed pursuant to article XIII D, section 4 of the California Constitution, must a property owner articulate at the public hearing on the proposed assessment the reason or reasons it alleges the assessment is invalid? (2) If so, should this rule apply only prospectively?

#20-251 *People v. Alonzo, S263559.* (G057141; nonpublished opinion; Orange County Superior Court; 13NF1047.) Petition for review after the Court of Appeal affirmed a judgment of conviction of criminal offenses.

#20-252 *People v. Chacon, S263743.* (F077849; nonpublished opinion; Kern County Superior Court; BF142972A.) Petition for review after the Court of Appeal affirmed a judgment of conviction of criminal offenses.

#20-253 *People v. Douglas, S263396.* (B300348; nonpublished opinion; Los Angeles County Superior Court; VA103562.) Petition for review after the Court of Appeal modified and affirmed a judgment of conviction of criminal offenses.

#20-254 *People v. Tellez, S263709.* (C089819; nonpublished opinion; Sacramento County Superior Court; 12F07541.) Petition for review after the Court of Appeal affirmed a judgment of conviction of criminal offenses.

The court ordered briefing *Alonzo, Chacon, Douglas, and Tellez* 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?

#20-255 *People v. Carbajal, S263900.* (C089482; nonpublished opinion; San Joaquin County Superior Court; STKCRFE20050011082, SF098561A.) Petition for review after the Court of Appeal affirmed an order denying a post-judgment motion in a criminal matter.

#20-256 *People v. Garrison, S263830.* (E072645; nonpublished opinion; Riverside County Superior Court; RIF095477.) Petition for review after the Court of Appeal affirmed an order denying a post-judgment motion in a criminal matter.

#20-257 *People v. Mayes, S263784.* (B298207; nonpublished opinion; Los Angeles County Superior Court; KA054756.) 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 *Carbajal, Garrison, and Mayes* 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)?

#20-258 *In re Chavez, S263584.* (H046921; 51 Cal.App.5th 748; Santa Clara County Superior Court; C9804583.) Petition for review after the Court of Appeal affirmed an order granting relief on a petition for writ of habeas corpus. The court ordered briefing deferred pending decision in *In re Gadlin, S254599* (#19-53), which includes the

following issue: Under Proposition 57 (Cal. Const., art. I, § 32), may the California Department of Corrections and Rehabilitation categorically exclude from early parole consideration all prisoners who have been previously convicted of a sex offense requiring registration under Penal Code section 290?

#20-259 *People v. Dubarr, S263904.* (E073611; nonpublished opinion; Riverside County Superior Court; BAF1800962.) Petition for review after the Court of Appeal affirmed an order revoking probation in a criminal case. 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?

#20-260 *Horne v. Ahern Rentals, S263309.* (B299605; 50 Cal.App.5th 192; Los Angeles County Superior Court; BC675950.) Petition for review after the Court of Appeal affirmed the judgment in a civil action. The court ordered briefing deferred pending decision in *Sandoval v. Qualcomm Inc., S252796* (#19-09), which concerns whether a company that hires an independent contractor can be held liable in tort for injuries sustained by the contractor's employee based solely on the company's negligent failure to undertake safety measures, and *Gonzalez v. Mathis, S247677* (#18-67), which concerns whether a homeowner who hires an independent contractor can be held liable in tort for injury sustained by the contractor's employee when the homeowner does not retain control over the worksite and the hazard causing the injury was known to the contractor.

#20-261 *People v. Villa, S263899.* (C089392; nonpublished opinion; Sacramento County Superior Court; 15F01261.) Petition for review after the Court of Appeal modified and 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?

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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.