NEWS RELEASE   **FOR IMMEDIATE RELEASE**
Contact: Cathal Conneely, 415-865-7740   September 25, 2020

Summary of Cases Accepted and Related Actions During Week of September 21, 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.]

#20-262 People v. Ama, S264036. (B298078; nonpublished opinion; Los Angeles County Superior Court; A033363.) Petition for review after the Court of Appeal affirmed an order denying a post-judgment motion in a criminal matter.

#20-263 People v. Carrera, S263980. (E072781; nonpublished opinion; Riverside County Superior Court; RIF150270.) Petition for review after the Court of Appeal affirmed an order denying a post-judgment motion in a criminal matter.

#20-264 People v. DeGroff, S263689. (C089753; nonpublished opinion; Sacramento County Superior Court; 07F00393.) Petition for review after the Court of Appeal affirmed an order denying a post-judgment motion in a criminal matter.

#20-265 People v. Duran, S263924. (B298071; nonpublished opinion; Los Angeles County Superior Court; BA068055.) Petition for review after the Court of Appeal affirmed an order denying a post-judgment motion in a criminal matter.

#20-266 People v. Gomez, S264051. (G057516; nonpublished opinion; Orange County Superior Court; 02CF1529.) Petition for review after the Court of Appeal affirmed an order denying a post-judgment motion in a criminal matter.

#20-267 People v. Lazos, S263910. (B300314; nonpublished opinion; Los Angeles County Superior Court; BA259099.) Petition for review after the Court of Appeal affirmed an order denying a post-judgment motion in a criminal matter.

#20-268 People v. Robinson, S263947. (B298823; nonpublished opinion; Los Angeles County Superior Court; BA308697.) Petition for review after the Court of Appeal affirmed an order denying a post-judgment motion in a criminal matter.

#20-269 People v. Soto, S263939. (H047581; 51 Cal.App.5th1043; Santa Clara County Superior Court County Superior Court; 185328.) Petition for review after the Court of Appeal affirmed an order denying a post-judgment motion in a criminal matter.

#20-270 People v. Staten, S263921. (B297663; nonpublished opinion; Los Angeles County Superior Court; TA080513.) 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 *Ama*, *Carrera*, *DeGroff*, *Duran*, *Gomez*, *Lazos*, *Robinson*, *Soto*, and *Staten* 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)?

#20-271 Domondo v. Three Olives Inc., S263701. (B292561; nonpublished opinion; Los Angeles; BC641464.) Petition for review after the Court of Appeal affirmed 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?

#20-272 People v. Flores, S263654. (C080799; nonpublished opinion; Sacramento County Superior Court; 13F07733.) 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. Garcia*, S250670 (#18-141), and *People v. Valencia*, S250218 (#18-142), which present the following issues: (1) Does gang expert testimony regarding uncharged predicate offenses to establish a "pattern of criminal gang activity" under Penal Code section 186.22, subdivision (e) constitute background information or case-specific evidence within the meaning of *People v. Sanchez* (2016) 63 Cal.4th 665? (2) Was any error prejudicial?

#20-273 People v. McCullough, S264032. (D076944; nonpublished opinion; Imperial County Superior Court; JCF31605.) 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. Raybon*, S256798 (#19-121), which presents the

following issue: Did Proposition 64 [the "Adult Use of Marijuana Act"] decriminalize the possession of up to 28.5 grams of marijuana by adults 21 years of age or older who are in state prison [as well as those not in prison]?

#20-274 People v. Villalpando, S263875. (C087324; nonpublished opinion; Sacramento County Superior Court; 16FE002927.) 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?

DISPOSITIONS

Review in the following cases, which were granted and held for *Alameda County Deputy Sheriffs' Assn. v. Alameda County Employees Retirement Assn.* (2020) 9 Cal.5th 1032, was dismissed:

#16-410 Marin Assn. of Public Employees v. Marin County Employees' Retirement Assn., S237460.	(A139610; 2 Cal.App.5th 674; Main County Superior Court; CIV1300318)
#18-86 McGlynn v. State of California, S248513.	(A146855; 21 Cal.App.5th 548; San Francisco County Superior Court; CPF14514052)

The following cases were transferred for reconsideration in light of *Alameda County Deputy Sheriffs' Assn. v. Alameda County Employees Retirement Assn.* (2020) 9 Cal.5th 1032:

#18-126 Hipsher v. Los Angeles County Employees Retirement Assn., S250244.	(B276486; 24 Cal.App.5th 740, mod. 25 Cal.App.5th 277c; Los Angeles County Superior Court; BS153372)
#19-21 Wilmot v. Contra Costa County Employees' Retirement Assn., S252988.	(A152100; 29 Cal.App.5th 846; Contra Costa County Superior Court; MSN161730)

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

#19-10 Certified Tire & Auto Service Center Wage & Hour Cases, S252517.	(D072265; 28 Cal.App.5th 1; San Diego County Superior Court; JCCP4762)

The following cases were transferred for reconsideration in light of *People v. Anderson* (2020) 9 Cal.5th 946:

#20-112 People v. Handley, S260462.	(G056608; nonpublished opinion; Orange County Superior Court; 13CF3394)
#20-131 People v. Schafer, S261258.	(C083560; nonpublished opinion; Sacramento County Superior Court; 15F04925)

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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.