



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 November 25, 2019

[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.]

#19-188 Conservatorship of K.P., S258212. (B291510; 39 Cal.App.5th 254; Los Angeles County Superior Court; ZE032603.) Petition for review after the Court of Appeal affirmed the judgment in a civil action. The court limited review to the following issue: Must the trier of fact find, beyond a reasonable doubt, that the objector is unwilling or unable voluntarily to accept meaningful treatment before a conservator may be appointed, or reappointed, under the Lanterman-Petris-Short Act (Welf. & Inst. Code, § 5000 et seq.)?

#19-189 People v. Moses, S258143. (G055621; 38 Cal.App.5th 757; Orange County Superior Court; 16NF1413.) Review on the court's own motion after the Court of Appeal reversed in part and affirmed in part a judgment of conviction of criminal offenses. The court limited review to the following issue: Did the Court of Appeal err in reversing defendant's conviction for human trafficking of a minor (Pen. Code, § 236.1, subd. (c)(1)) on the ground that defendant was communicating with an adult police officer posing as a minor rather than an actual minor?

19-190 O.G. v. Superior Court, S259011. (B295555; 40 Cal.App.5th 626, mod. 41 Cal.App.5th 213a; Ventura County Superior Court; 2018017144.) Petition for review after the Court of Appeal denied a petition for peremptory writ of mandate.

#19-191 People v. Superior Court (G.G.), S259048. (F079007; nonpublished opinion; Stanislaus County Superior Court; 514524.) Petition for review after the Court of Appeal denied a petition for peremptory writ of mandate.

#19-192 *People v. Superior Court (I.R.)*, S257773. (F078893; 38 Cal.App.5th 383; Kings County Superior Court; 19JQ0003.) Petition for review after the Court of Appeal denied a petition for peremptory writ of mandate.

#19-193 *People v. Superior Court (S.L.)*, S258432. (H046598; 40 Cal.App.5th 114; Santa Clara County Superior Court; JV42913.) Petition for review after the Court of Appeal denied a petition for peremptory writ of mandate.

#19-194 *People v. Superior Court (T.D.)*, S257980. (F078697; 38 Cal.App.5th 360, mod. 39 Cal.App.5th 57a; Stanislaus County Superior Court; 512128.) Petition for review after the Court of Appeal denied a petition for peremptory writ of mandate.

The preceding five cases present 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?

#19-195 *In re Vaquera*, S258376. (G056786; 39 Cal.App.5th 233; Orange County Superior Court; 12NF0653.) Petition for review after the Court of Appeal denied a petition for writ of habeas corpus. This case presents the following issues: (1) Did the Court of Appeal err by disagreeing with *People v Jimenez* (2019) 35 Cal.App.5th 373 and endorsing as mandatory the sentencing practice prohibited in that case; (2) Is the Court of Appeal's decision incorrect under *People v. Mancebo* (2002) 27 Cal.4th 735; (3) Did the Court of Appeal err by failing to address petitioner's claims as to the issues of waiver and estoppel?

#19-196 *People v. Adams*, S258026. (B252187; nonpublished opinion; Los Angeles County Superior Court; BA372321, TA103351.) Petition for review after the Court of Appeal affirmed a judgment of conviction of criminal offenses.

#19-197 *People v. Gillespie*, S258312. (D069389; nonpublished opinion; San Diego County Superior Court; SCD258034.) Petition for review after the Court of Appeal remanded for resentencing and otherwise affirmed a judgment of conviction of criminal offenses.

#19-198 *People v. McGhee*, S258069. (B263418, B265136; nonpublished opinion; Los Angeles County Superior Court; PA071844.) Petition for review after the Court of Appeal affirmed a judgment of conviction of criminal offenses.

#19-199 *People v. Munoz*, S258234. (B283921; 39 Cal.App.5th 738; Los Angeles County Superior Court; KA110065.) 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 in *Adams, Gillespie, McGhee, and Munoz* 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) 50 U.S. 99 and *People v. Chiu* (2014) 59 Cal.4th 155?

#19-200 *People v. Baker*, S258721. (B293809; nonpublished opinion; San Luis Obispo County Superior Court; 18F-02395.) Petition for review after the Court of Appeal dismissed an appeal from a judgment of conviction of a criminal offense. The court ordered briefing deferred pending decision in *People v. Stamps*, S255843 (#19-63), which presents the following issue: Is a certificate of probable cause required for a defendant to challenge a negotiated sentence based on a subsequent ameliorative, retroactive change in the law?

#19-201 *People v. Gordon*, S258077. (B286809; nonpublished opinion; Los Angeles County Superior Court; YA095166.) Petition for review after the Court of Appeal modified and affirmed judgments 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?

#19-202 *People v. Hernandez*, S258616. (E070394; nonpublished opinion; Riverside County Superior Court; SWF1707689.) Petition for review after the Court of Appeal conditionally reversed and remanded for the trial court to consider whether to grant diversion under Penal Code section 1001.36 and, if not, to reinstate judgment.

#19-203 *People v. Hughes*, S258541. (A154196; 39 Cal.App.5th 886; Solano County Superior Court; FCR285903.) Petition for review after the Court of Appeal conditionally reversed and remanded for the trial court to consider whether to grant diversion under Penal Code section 1001.36 and, if not, to reinstate judgment.

#19-204 *People v. Jenkins*, S258729. (D073662; 40 Cal.App.5th 30; San Diego County Superior Court; SCD270678, SCD272046.) Petition for review after the Court of Appeal

conditionally reversed and remanded for the trial court to consider whether to grant diversion under Penal Code section 1001.36 and, if not, to reinstate judgment.

#19-205 *People v. Polanco*, S257956. (B290268; nonpublished opinion; Los Angeles County Superior Court GA102792.) Petition for review after the Court of Appeal conditionally reversed and remanded for the trial court to consider whether to grant diversion under Penal Code section 1001.36 and, if not, to reinstate judgment.

#19-206 *People v. Tromp*, S258730. (E070705; nonpublished opinion; Riverside County Superior Court; SWF1401307.) Petition for review after the Court of Appeal conditionally reversed and remanded for the trial court to consider whether to grant diversion under Penal Code section 1001.36 and, if not, to reinstate judgment.

The court ordered briefing in *Hernandez, Hughes, Jenkins, Polanco*, and *Tromp* deferred pending decision in *People v. Frahs*, S252220 (#18-175), which presents the following issues: (1) Does Penal Code section 1001.36 apply retroactively to all cases in which the judgment is not yet final? (2) Did the Court of Appeal err by remanding for a determination of defendant's eligibility under Penal Code section 1001.36?

#19-207 *People v. Hicks*, S258946. (B291307; 40 Cal.App.5th 320; Los Angeles County Superior Court; MA072856.) 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. Kopp*, S257844 (#19-171), which presents the following issues: (1) Must a court consider a defendant's ability to pay before imposing or executing fines, fees, and assessments? (2) If so, which party bears the burden of proof regarding the defendant's inability to pay?

#19-208 *People v. Sapienza*, S258252. (E070547; 39 Cal.App.5th 58; Riverside County Superior Court; SWF1500341.) 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. McKenzie*, S251333 (#18-161), which concerns when the judgment in a criminal case is final for purposes of applying a later change in the law if the defendant was granted probation and imposition of sentence was suspended, and *People v. Frahs*, S252220 (#18-175), which concerns whether Penal Code section 1001.36 applies retroactively to all cases in which the judgment is not yet final.

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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.