



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 December 30, 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.]*

**#20-01 *Brown v. USA Taekwondo, S259216.*** (B280550; 40 Cal.App.5th 1077, mod. 41 Cal.App.5th 567a, mod. 41 Cal.App.5th 567d; Los Angeles County Superior Court; BC599321.) Petition for review after the Court of Appeal reversed the judgment in a civil action. This case presents the following issue: What is the appropriate test that minor plaintiffs must satisfy to establish a duty by defendants to protect them from sexual abuse by third parties? (See *Rowland v. Christian* (1968) 69 Cal.2d 108; *Nally v. Grace Community Church* (1988) 47 Cal.3d 278; *Regents of the University of California v. Superior Court* (2018) 4 Cal.5th 607; *Doe v. United States Youth Soccer Association* (2017) 8 Cal.App.5th 1118; *Conti v. Watchtower Bible & Tract Society of New York, Inc.* (2015) 235 Cal.App.4th 1214; *Juarez v. Boy Scouts of America, Inc.* (2000) 81 Cal.App.4th 377.)

**#20-02 *Naranjo v. Spectrum Security Services, Inc., S258966.*** (B256232; 40 Cal.App.5th 444; Los Angeles County Superior Court; BC372146.) Petition for review after the Court of Appeal affirmed in part and reversed in part the judgment in a civil action. This case 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?

**#20-03 *B.M. v. Superior Court, S259030.*** (E072265; 40 Cal.App.5th 742; Riverside County Superior Court; RIJ1301366.) Petition for review after the Court of Appeal granted a petition for peremptory writ of mandate.

**#20-04 *People v. Superior Court (A.I.), S259031.*** (F079018; nonpublished opinion; Tulare County Superior Court; JJD068683.) Petition for review after the Court of Appeal denied a petition for peremptory writ of mandate.

The court ordered briefing in *B.M.* and *A.I.* deferred pending decision in *O.G. v. Superior Court, S259011* (#19-190), which presents 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?

**#20-05 *People v. Johnson, S259347.*** (B291454; nonpublished opinion; Los Angeles County Superior Court; BA450691.) Petition for review after the Court of Appeal conditionally reversed a judgment of conviction of a criminal offense.

**#20-06 *People v. Laut, S258982.*** (B277216; nonpublished opinion; Ventura County Superior Court; 2015011510.) Petition for review after the Court of Appeal remanded for resentencing and otherwise affirmed a judgment of conviction of a criminal offense.

**#20-07 *People v. Mabrok, S259181.*** (G056251; nonpublished opinion; Orange County Superior Court; 11HF3038.) Petition for review after the Court of Appeal conditionally reversed a judgment of conviction of criminal offenses.

**#20-08 *People v. Meier, S259175.*** (D074589; nonpublished opinion; San Diego County Superior Court; SCD274701.) Petition for review after the Court of Appeal conditionally reversed a judgment of conviction of criminal offenses.

**#20-09 *People v. Thompson, S258845.*** (E070503; nonpublished opinion; Riverside County Superior Court; RIF1605162.) Petition for review after the Court of Appeal ordered abstract of judgment corrected and otherwise affirmed a judgment of conviction of a criminal offense.

**#20-10 *People v. Torres, S258811.*** (B292495; nonpublished opinion; Los Angeles County Superior Court; BA451597.) 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 *Johnson, Laut, Mabrok, Meier, Thompson, and Torres* 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?

**#20-11 *People v. Lopez*, S258820.** (B289577; nonpublished opinion; Los Angeles County Superior Court; LA084142.) 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. McKenzie*, S251333 (#18-161), which presents the following issue: When is the judgment in a criminal case final for purposes of applying a later change in the law if the defendant was granted probation and imposition of sentence was suspended?

**#20-12 *People v. Mejia*, S258796.** (G052967; 40 Cal.App.5th 42; Orange County Superior Court; 09CF3083.) Petition for review after the Court of Appeal affirmed in part and reversed in part 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?

**#20-13 *In re Van Houten*, S258552.** (B291024; nonpublished opinion; Los Angeles County Superior Court; A253156, BH011585.) Petition for review after the Court of Appeal denied a petition for writ of habeas corpus. The court ordered briefing deferred pending decision in *In re Palmer*, S252145 (#19-08), which presents the following issue: What standard should the Board of Parole Hearings apply in giving "great weight to the diminished culpability of youth as compared to adults, the hallmark features of youth, and any subsequent growth and increased maturity of the prisoner" as set forth in Penal Code section 4801, subdivision (c), in determining parole suitability for youth offenders?

**#20-14 *People v. Wehr*, S259233.** (E070345; 41 Cal.App.5th 123; San Bernardino County Superior Court; FWV17002975.) Petition for review after the Court of Appeal affirmed in part and reversed in part a judgment of conviction of criminal offenses. The court ordered briefing deferred pending decision in *People v. Orozco*, S249495 (#18-108), which presents the following issue: Can a felony conviction for receiving a stolen vehicle in violation of Penal Code section 496d be reclassified as a misdemeanor under Proposition 47 in light of Penal Code section 496, subdivision (a), which provides that

receiving other stolen property is a misdemeanor when the value of the property does not exceed \$950?

**DISPOSITION**

The following case was transferred for reconsideration in light of Assembly Bill No. 1618 (Stats. 2019, ch. 586):

<b>#19-67 <i>People v. Barton, S255214.</i></b>	(F076599; 32 Cal.App.5th 1088; Tuolumne County Superior Court; CRF46403)
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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.*