



Supreme Court of California
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NEWS RELEASE

FOR IMMEDIATE RELEASE

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Summary of Cases Accepted and Related Actions During Week of June 22, 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.]

#20-155 *Conservatorship of E.B., S261812.* (A157280; 45 Cal.App.5th 986; Contra Costa County Superior Court; P1801826.) Petition for review after the Court of Appeal affirmed the judgment in a conservatorship proceeding. This case presents the following issue: Does equal protection require that persons subject to a conservatorship under the Lanterman-Petris-Short Act (Welf. & Inst. Code, § 5350) have the same right to invoke the statutory privilege not to testify as persons subject to involuntary commitments under Penal Code section 1026.5 after a finding of not guilty by reason of insanity?

#20-156 *In re Howerton, S261157.* (F076546; 44 Cal.App.5th 875; Kern County Superior Court; HC015497A.) Petition for review after the Court of Appeal reversed an order granting relief on a petition for writ of habeas corpus. This case presents issues concerning eligibility for a youthful offender parole hearing under Penal Code section 3051.

#20-157 *Legislature v. Padilla, S262530.* Original proceeding. The court issued a notice that it may issue a peremptory writ of mandate (see *Palma v. U.S. Industrial Fasteners, Inc.* (1984) 36 Cal.3d 171) extending the time limits for the Citizens Redistricting Commission to release draft maps for public comment and to certify final redistricting maps for the state's Assembly, Senate, Board of Equalization and congressional districts.

#20-158 *People v. Garcia, S262122.* (A156745; nonpublished opinion; San Mateo County Superior Court; SC081796D.) Petition for review after the Court of Appeal affirmed an order denying a post-judgment motion in a criminal matter.

#20-159 *People v. Mendez*, S262059. (G057464; nonpublished opinion; Orange County Superior Court; 09CF1034.) 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 in *Garcia* and *Mendez* 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?

#20-160 *People v. Gerolaga*, S262273. (C089457; nonpublished opinion; San Joaquin County Superior Court; STKCRFE20030006717, SF087581A.) 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?

#20-161 *Gulf Offshore Logistics v. Superior Court*, S261881. (B298318; 45 Cal.App.5th 285; Ventura County Superior Court; 56-2016-00484144-CU-OE-VTA.) Petition for review after the Court of Appeal granted a petition for peremptory writ of mandate. The court ordered briefing deferred pending decision in *Oman v. Delta Airlines*, S248726 (#18-88), and *Ward v. United Airlines, Inc.*, S248702 (#18-91), both on certification from the Ninth Circuit, in which the court will address questions concerning the application of California's wage and hour statutes to work performed in the state by non-resident employees of out-of-state employers.

#20-162 *People v. Hernandez, S262403.* (E072790; nonpublished opinion; San Bernardino County Superior Court; FSB12071.) Petition for review after the Court of Appeal affirmed an order denying a post-judgment motion in a criminal matter.

#20-163 *People v. Leighton, S262173.* (B297093; nonpublished opinion; Los Angeles County Superior Court; BA226413.) Petition for review after the Court of Appeal affirmed an order denying a post-judgment motion in a criminal matter.

#20-164 *People v. Oakley, S262377.* (B297533; nonpublished opinion; Los Angeles County Superior Court; YA080803.) Petition for review after the Court of Appeal affirmed an order denying a post-judgment motion in a criminal matter.

#20-165 *People v. Torres, S262011.* (B296179; 46 Cal.App.5th 1168; Los Angeles County Superior Court; BA189759.) 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 *Hernandez, Leighton, Oakley, and Torres* 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)?

#20-166 *People v. Rainey, S262396.* (E072758; nonpublished opinion; San Bernardino County Superior Court; FSB1103711.) 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. 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

The following case was transferred for reconsideration in light of *K.J. v. Los Angeles Unified School District* (2020) 8 Cal.5th 875:

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| #19-56 Sealutions, LLC v. Schwab, S254818 | (B286897; nonpublished opinion; Los Angeles County Superior Court; BC546925) |
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The following cases were transferred for reconsideration in light of *People v. Orozco* (2020) 9 Cal.5th 111:

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| #18-118 People v. Cortinas, S250093 | (H042043; nonpublished opinion; Santa Clara County Superior Court; C1370576) |
| #18-138 People v. Jones, S250907 | (F074518; nonpublished opinion; Stanislaus County Superior Court; 1497888) |
| #18-162 People v. Inabnit, S251411 | (C078749; nonpublished opinion; Shasta County Superior Court; 13F282, 13F7685, 14F1618, 14F3212) |
| #19-86 People v. Mercado, S256066 | (C079671; nonpublished opinion; Glenn County Superior Court; 11NCR09001, 12NCR09089, 12NCR09093, 12NCR09489) |
| #19-161 People v. Pizana, S257746 | (F075805; nonpublished opinion; Fresno County Superior Court; F16907705) |
| #20-14 People v. Wehr, S259233 | (E070345; 41 Cal.App.5th 123; San Bernardino County Superior Court; FWV17002975) |
| #20-24 People v. Howard, S259414 | (B293360; nonpublished opinion; Ventura County Superior Court; 2018006735) |
| #20-47 People v. Daly, S260067 | (F078500; nonpublished opinion; Fresno County Superior Court; F07902652) |
| #20-87 People v. Sahinian, S259969 | (B290389, B290414; nonpublished opinion; Los Angeles County Superior Court; BA444824, BA456291) |

Review in the following cases, which were granted and held for *People v. Orozco* (2020) 9 Cal.5th 111, was dismissed:

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| #18-123 People v. Bussey, S250152 | (C079797; 24 Cal.App.5th 1056; Placer County Superior Court; 62135055) |
| #19-41 In re F.G., S254005 | (F076263; nonpublished opinion; Stanislaus County Superior Court; 514410) |
| #19-52 People v. Rankin, S254154 | (F075406; nonpublished opinion; Kern County Superior Court BF166278A) |
| #19-58 People v. Black, S255261 | (A154237; nonpublished opinion; Humboldt County Superior Court; CR1700669, CR1704676) |

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| #19-77 <i>People v. Villalva</i>, S255880 | (D073699; nonpublished opinion; San Diego County Superior Court; SCD271327, SCD274607) |
| #19-160 <i>People v. Hunt</i>, S257179 | (C080811; nonpublished opinion; Sacramento County Superior Court; 15F01299) |
| #19-185 <i>People v. Ayala</i>, S258256 | F075301; nonpublished opinion; Merced County Superior Court; 16CR-03935-RF) |
| #19-211 <i>People v. Jacquez</i>, S258517 | (E070761; nonpublished opinion; Riverside County Superior Court; INF1600721, INF1700102, INF1702096) |

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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.