



Supreme Court of California  
350 McAllister Street, San Francisco, CA 94102-4797  
[www.courts.ca.gov/supremecourt](http://www.courts.ca.gov/supremecourt)

**NEWS RELEASE**

Contact: [Cathal Conneely](mailto:Cathal.Conneely@courts.ca.gov), 415-865-7740

**FOR IMMEDIATE RELEASE**

January 22, 2021

---

## Summary of Cases Accepted and Related Actions During Week of January 18, 2021

*[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.]*

**#21-21 *People v. Hendrix*, S265668.** (B298952; 55 Cal.App.5th 1092; Venture County Superior Court; 2018037331.) Petition for review after the Court of Appeal affirmed a judgment of conviction of a criminal offense. This case includes the following issue: Does the standard of *People v. Watson* (1956) 46 Cal.2d 818 or the standard of *Chapman v. California* (1967) 368 U.S. 818 apply to error in instructing on the defense of mistake of fact?

**#21-22 *People v. Bonilla*, S265911.** (G057654; nonpublished opinion; Orange County Superior Court; 15CF0197.) Petition for review after the Court of Appeal ordered abstract of judgment corrected and otherwise affirmed a judgment of conviction of criminal offenses.

**#21-23 *People v. Petty*, S266077.** (E072035; nonpublished opinion; Riverside County Superior Court; BAF1800674.) Petition for review after the Court of Appeal modified and otherwise affirmed a judgment of conviction of a criminal offense.

The court ordered briefing in *Bonilla* and *Petty* 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?

**#21-24 *People v. Cobbs*, S266144.** (D076974; nonpublished opinion; Imperial County Superior Court; JCF33689.) Petition for review after the Court of Appeal affirmed an order denying a post-judgment motion in a criminal matter.

**#21-25 *People v. Ramirez, S266136.*** (D077368; nonpublished opinion; Imperial County Superior Court; JCF33378.) 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 *Cobbs* and *Ramirez* deferred pending decision in *People v. Raybon*, S256978 (#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]?

**#21-26 *People v. Cota, S266156.*** (B303670; nonpublished opinion; Los Angeles County Superior Court; BA123176.) Petition for review after the Court of Appeal affirmed an order denying a post-judgment motion in a criminal matter.

**#21-27 *People v. Phan, S265608.*** (B301797; nonpublished opinion; Los Angeles County Superior Court; GA020922.) Petition for review after the Court of Appeal affirmed an order denying a post-judgment motion in a criminal matter.

**#21-28 *People v. Roldan, S266031.*** (B298570; 56 Cal.App.5th 997; Los Angeles County Superior Court; NA080558.) Petition for review after the Court of Appeal affirmed an order denying a post-judgment motion in a criminal matter.

**#21-29 *People v. Sanchez, S266176.*** (B299635; nonpublished opinion; Los Angeles County Superior Court; A960340.) Petition for review after the Court of Appeal affirmed an order denying a post-judgment motion in a criminal matter.

**#21-30 *People v. Spillman, S265644.*** (H047057; nonpublished opinion; Monterey County Superior Court; SS031841.) 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 *Cota*, *Phan*, *Roldan*, *Sanchez*, and *Spillman* 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)?

**#21-31 *People v. Dealba, S265837.*** (B303584; nonpublished opinion; Los Angeles County Superior Court; PA073050.) Petition for review after the Court of Appeal affirmed an order denying a post-judgment motion in a criminal matter.

**#21-32 *People v. Griffin, S266002.*** (C090893; nonpublished opinion; Sacramento County Superior Court; CR115423.) Petition for review after the Court of Appeal affirmed an order denying a post-judgment motion in a criminal matter.

**#21-33 *People v. Urrutia, S266082.*** (G058118; nonpublished opinion; Orange County Superior Court; 02NF0517.) 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 *Dealba, Griffin, and Urrutia* 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?

**#21-34 *People v. Henderson, S266039.*** (D076878; nonpublished opinion; Riverside County Superior Court; RIF1201399.) Petition for review after the Court of Appeal affirmed an order denying a post-judgment motion in a criminal matter.

**#21-35 *People v. Majied, S266075.*** (E074375; nonpublished opinion; Riverside County Superior Court; RIF1411978.) 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 *Henderson and Majied* 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?

###

*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.*