



Supreme Court of California
350 McAllister Street, San Francisco, CA 94102-4797
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NEWS RELEASE

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

FOR IMMEDIATE RELEASE

January 29, 2021

Summary of Cases Accepted and Related Actions During Week of January 25, 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.]

#21-36 *People v. Hernandez, S265739*. (F080131; 55 Cal.App.5th 942; Kern County Superior Court; BF177632A.) Petition for review after the Court of Appeal reversed and remanded for resentencing. This case presents the following issues: (1) If a defendant's prior prison term enhancements are stricken under Senate Bill No. 136, does the remainder of the sentence agreed to under a plea agreement remain intact or must the case be remanded to allow the People to withdraw from the plea agreement and to obtain the trial court's approval (see *People v. Stamps* (2020) 9 Cal.5th 685)? (2) If the plea agreement is rescinded in light of Senate Bill No. 136, can the defendant be sentenced to a term longer than provided for in the original agreement?

#21-37 *People v. Culpepper, S266036*. (E072675; nonpublished opinion; Riverside County Superior Court; RIF084270.) Petition for review after the Court of Appeal affirmed an order denying a post-judgment motion in a criminal matter.

#21-38 *People v. Falcon, S266041*. (B296392; 57 Cal.App.5th 272; Los Angeles County Superior Court; MA046170.) Petition for review after the Court of Appeal affirmed an order denying a post-judgment motion in a criminal matter.

#21-39 *People v. Jackson, S265840*. (E073934; nonpublished opinion; San Bernardino County Superior Court; FSB11452.) Petition for review after the Court of Appeal affirmed an order denying a post-judgment motion in a criminal matter.

#21-40 *People v. Jones, S265854*. (E072961; 56 Cal.App.5th 474; Riverside County Superior Court; RIF74986.) Petition for review after the Court of Appeal affirmed an order denying a post-judgment motion in a criminal matter.

#21-41 *People v King*, S265722. (B302319; nonpublished opinion; Los Angeles County Superior Court; A350469.) Petition for review after the Court of Appeal affirmed an order denying a post-judgment motion in a criminal matter.

#21-42 *People v. Pelayo*, S265629. (B303425; nonpublished opinion; Los Angeles County Superior Court; PA021870.) Petition for review after the Court of Appeal affirmed an order denying a post-judgment motion in a criminal matter.

#21-43 *People v. Puebla*, S265851. (B299620; nonpublished opinion; Los Angeles County Superior Court; PA028402.) Petition for review after the Court of Appeal affirmed a judgment of conviction of a criminal offense.

#21-44 *People v. Ruiz*, S265797. (B301477; nonpublished opinion; Los Angeles County Superior Court; BA232116.) Petition for review after the Court of Appeal affirmed a judgment of conviction of criminal offenses.

The court ordered briefing in *Culpepper*, *Falcon*, *Jackson*, *Jones*, *King*, *Puebla*, *Pelayo*, and *Ruiz* 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)?

#21-45 *People v. Holmes*, S266198. (D076560; nonpublished opinion; Imperial County Superior Court; JCF27104.) 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]?

#21-46 *People v. Lopez*, S265936. (A158840; 56 Cal.App.5th 835; Contra Costa County Superior Court; 50506287.) Petition for review after the Court of Appeal conditionally reversed a judgment of conviction of criminal offenses. The court ordered briefing deferred pending decision in pending decision in *People v. Federico*, S263082 (#20-231), which presents the following issue: Did defendant’s resentencing pursuant to Penal Code section 1170, subdivision (d)(1) “reopen” the finality of his sentence, such that he was entitled to the retroactive application of Proposition 57 and Senate Bill No. 1391 on an otherwise long-final conviction? and pending decision in *People v. Padilla*, S263375 (#20-232), which presents the following issue: When a judgment becomes final, but is later vacated, altered, or amended and a new sentence imposed, is the case no longer final for the purpose of applying an intervening ameliorative change in the law?

#21-47 *People v. Lopez, S266016.* (H046618; 57 Cal.App.5th 409; Monterey County Superior Court; SS111812.) Petition for review after the Court of Appeal reversed an order denying a post-judgment motion in a criminal matter. The court ordered briefing deferred pending decision in *People v. Esquivel, S262551* (#20-207), which presents the following issue: Is the judgment in a criminal case considered final for purposes of applying a later ameliorative change in the law when probation is granted and execution of sentence is suspended, or only upon revocation of probation when the suspended sentence is ordered into effect?

SEPARATE CONCURRING STATEMENT ON DENIAL OF REVIEW

People v. Montelongo, S265597. (B294095; 55 Cal.App.5th 1016; Los Angeles County Superior Court; NA101415.) Petition for review after the Court of Appeal modified and affirmed a judgment of conviction of criminal offenses.

STATUS

#21-21 *People v. Hendrix, S265668.* The court ordered the issues to be briefed and argued in this case limited to the following: Did the Court of Appeal err in holding an instructional error on the defense of mistake of fact harmless? In the circumstances of this case, which standard of prejudice applies to an error in instructing on the defense of mistake of fact: that of *People v. Watson* (1956) 46 Cal.2d 818 or that of *Chapman v. California* (1967) 386 U.S. 18?

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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.