



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 February 22, 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.]

#21-87 *Brennon B. v. Superior Court, S266254.* (A157026; 57 Cal.App.5th 367; Contra Costa County Superior Court; MSC1601005.) Petition for review after the Court of Appeal denied a petition for peremptory writ of mandate. This case presents the following issues: (1) Is a public school district a “business establishment” within the meaning of the Unruh Civil Rights Act (Civ. Code, § 51)? (2) Even if a public school district is not a “business establishment” under that Act, can it nevertheless be sued under the Act when the alleged discriminatory conduct is actionable under the Americans with Disabilities Act of 1990 (42 U.S.C. § 12101 et seq.)?

#21-88 *People v. Atwell, S266370.* (H047618; nonpublished opinion; Santa Clara County Superior Court; C1902644.) Petition for review after the Court of Appeal reversed a judgment of conviction of criminal offenses.

#21-89 *People v. Edwards, S266317.* (D076088; nonpublished opinion; San Diego County Superior Court; SCD280337.) Petition for review after the Court of Appeal remanded for resentencing and otherwise affirmed a judgment of conviction of a criminal offense.

#21-90 *People v. Joaquin, S266594.* (A152786; 58 Cal.App.5th 173; Mendocino County Superior Court; SCUKCRCR1789461001.) Petition for review after the Court of Appeal reversed a judgment of conviction of a criminal offense.

The court ordered briefing in *Atwell*, *Edwards*, and *Joaquin* deferred pending decision in *People v. Hernandez*, S265739 (#21-36), which 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?

#21-91 *People v. Baeza*, S266674. (B303344; nonpublished opinion; Los Angeles County Superior Court; BA170804.) Petition for review after the Court of Appeal affirmed an order denying a post-judgment motion in a criminal matter.

#21-92 *People v. Carroll*, S266679. (B299815; nonpublished opinion; Los Angeles County Superior Court; BA203327.) Petition for review after the Court of Appeal affirmed an order denying a post-judgment motion in a criminal matter.

#21-93 *People v. Daily*, S266638. (B302256; nonpublished opinion; Los Angeles County Superior Court; BA063895.) Petition for review after the Court of Appeal affirmed an order denying a post-judgment motion in a criminal matter.

#21-94 *People v. Daniel*, S266336. (A157422; 57 Cal.App.5th 666; Alameda County Superior Court; 171810.) Petition for review after the Court of Appeal affirmed an order denying a post-judgment motion in a criminal matter.

#21-95 *People v. Jones*, S266668. (B300320; nonpublished opinion; Los Angeles County Superior Court; GA051109.) Petition for review after the Court of Appeal affirmed an order denying a post-judgment motion in a criminal matter.

#21-96 *People v. Palacios*, S266701. (E074054; 58 Cal.App.5th 845; San Bernardino County Superior Court; FVA04210.) 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 *Baeza*, *Carroll*, *Daily*, *Daniel*, *Jones*, and *Palacios* 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)?

#21-97 *People v. Beavers*, S266408. (G056848; nonpublished opinion; Orange County Superior Court; 14WF2967.) Petition for review after the Court of Appeal affirmed a judgment of conviction of criminal offenses. The court ordered briefing deferred pending decision in *In re Vaquera*, S258376 (#19-195), which 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?

#21-98 *People v. France*, S266771. (A158609; 58 Cal.App.5th 714; Mendocino County Superior Court; SCUKCRCR1894426, SCUKCRPA1932313.) Petition for review after the Court of Appeal modified and affirmed a judgment of conviction of a criminal offense. The court ordered briefing deferred pending decision in *People v. Esquivel*, S262551 (#20-207), which concerns the finality of judgment 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, and *People v. Hernandez*, S265739 (#21-36), which concerns the proceedings on remand if a defendant's prior prison term enhancements are stricken under Senate Bill No. 136.

#21-99 *People v. Franco*, S266338. (E069494; nonpublished opinion; Riverside County Superior Court; INF1303332). 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. Hendrix*, S265668 (#21-21), which 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?

#21-100 *People v. Rodriguez*, S266656. (D077366; nonpublished opinion; Imperial County Superior Court; JCF002141.) 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]?

DISPOSITION

People v. Dunlap, S142857, an automatic appeal, was abated upon the death of the appellant.

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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.