



Supreme Court of California
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NEWS RELEASE

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FOR IMMEDIATE RELEASE

February 25, 2022

Summary of Cases Accepted and Related Actions During Week of February 22, 2022

[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.]

#22-48 *People v. Lewis, S272627.* (G060049; 72 Cal.App.5th 1; Santa Clara County Superior Court; B1366626.) Petition for review after the Court of Appeal affirmed in part and reversed in part a judgment of conviction of criminal offenses. This case includes the following issue: Can a defendant be convicted of kidnapping to commit rape (Pen. Code, § 209, subd. (b)(1)) based on the use of deception, as an alternative to force or fear, to take and carry away an intoxicated adult victim?

#22-49 *People v. Barnes, S272777.* (E076618; nonpublished opinion; San Bernardino County Superior Court; FVA010870.) Petition for review after the Court of Appeal affirmed an order denying a post-judgment motion in a criminal matter.

#22-50 *People v. Daniels, S272768.* (B308995; nonpublished opinion; Los Angeles County Superior Court; BA347305.) Petition for review after the Court of Appeal affirmed an order denying a post-judgment motion in a criminal matter.

#22-51 *People v. Rangel, S272493.* (B311083; nonpublished opinion; Los Angeles County Superior Court; KA050596.) Petition for review after the Court of Appeal affirmed an order denying a post-judgment motion in a criminal matter.

#22-52 *People v. Reed, S272761.* (C093055; nonpublished opinion; Sacramento County Superior Court; 10F05764.) Petition for review after the Court of Appeal affirmed an order denying a post-judgment motion in a criminal matter.

#22-53 *People v. Sheard, S272770.* (B308523; nonpublished opinion; Los Angeles County Superior Court; GA039399.) Petition for review after the Court of Appeal reversed an order denying a post-judgment motion in a criminal matter.

#22-54 *People v. Talmadge*, S272778. (B310726; nonpublished opinion; Los Angeles County Superior Court; GA039399.) Petition for review after the Court of Appeal reversed an order denying a post-judgment motion in a criminal matter.

The court ordered briefing in *Barnes, Daniels, Rangel, Reed, Sheard*, and *Talmadge* deferred pending decision in *People v. Strong*, S266606 (#21-101), which presents the following issue: Does a felony-murder special circumstance finding (Pen. Code, § 190.2, subd. (a)(17)) made before *People v. Banks* (2015) 61 Cal.4th 788 and *People v. Clark* (2016) 63 Cal.4th 522 preclude a defendant from making a prima facie showing of eligibility for relief under Penal Code section 1170.95?

#22-55 *People v. Waxlax*, S272695. (E074347; 72 Cal.App.5th 579; Riverside County Superior Court; INF1600362.) 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. Aguayo*, S254554 (#19-47), which presents the following issues: (1) Is assault by means of force likely to produce great bodily injury a lesser included offense of assault with a deadly weapon? (See *People v. Aledamat* (2019) 7 Cal.5th 1, 16, fn. 5.) (2) If so, was defendant's conviction of assault by means of force likely to produce great bodily injury based on the same act or course of conduct as her conviction of assault with a deadly weapon?

DISPOSITIONS

Review in the following cases, which were granted and held for *People v. Lewis* (2021) 11 Cal.5th 952, was dismissed:

#21-54 <i>People v. Celis</i>, S266503	(B301850; nonpublished opinion; Los Angeles County Superior Court; PA039478)
#20-174 <i>People v. Johnson</i>, S262171	(B297944; nonpublished opinion; Los Angeles County Superior Court; TA102619)
#20-366 <i>People v. Lakey</i>, S264677	(C089487; nonpublished opinion; San Joaquin County Superior Court; SC059733B, STKCRFE19960005306)
#21-57 <i>People v. Madsen</i>, S266460	(C089665; nonpublished opinion; San Joaquin County Superior Court; STKCRFE19880001246, 44445)

The following cases were transferred for reconsideration in light of *People v. Lewis* (2021) 11 Cal.5th 952 and Senate Bill No. 775 (Stats. 2021, ch. 551):

#21-138 <i>People v. Gonzales</i>, S266887	(B301485; nonpublished opinion; Los Angeles County Superior Court; PA042487)
#21-164 <i>People v. Gonzales</i>, S267310	(B304024; nonpublished opinion; Los Angeles County Superior Court; NA072796)
#21-350 <i>People v. Hampton</i>, S268926	(E074416; nonpublished opinion; San Bernardino County Superior Court; FSB17394)
#20-162 <i>People v. Hernandez</i>, S262403	(E072790; nonpublished opinion; San Bernardino County Superior Court; FSB12071)

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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.