



Supreme Court of California
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NEWS RELEASE

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FOR IMMEDIATE RELEASE

February 28, 2020

Summary of Cases Accepted and Related Actions During Week of February 24, 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.]

#20-57 *Natarajan v. Dignity Health, S259364.* (C085906; 42 Cal.App.5th 383; San Joaquin County Superior Court; STKCVUWM20164821.) Petition for review after the Court of Appeal affirmed the judgment in an action for writ of administrative mandate. This case presents the following issue: Does a physician with privileges at a private hospital have the right to disqualify a hearing officer in a proceeding for revocation of those privileges based on an appearance of bias (see *Haas v. County of San Bernardino* (2002) 27 Cal.4th 1017) or must the physician show actual bias?

#20-58 *People v. Calderon-Lopez, S260251.* (A156607; nonpublished opinion; Lake County Superior Court; CR928905.) Petition for review after the Court of Appeal conditionally reversed judgments of conviction of criminal offenses.

#20-59 *People v. Deiner, S260282.* (E071193; nonpublished opinion; San Bernardino County Superior Court; FWV1400027.) Petition for review after the Court of Appeal conditionally reversed a judgment of conviction of criminal offenses.

The court ordered briefing in *Calderon-Lopez* and *Deiner* deferred pending decision in *People v. Frahs, S252220* (#18-175), which presents the following issues: (1) Does Penal Code section 1001.36 apply retroactively to all cases in which the judgment is not yet final? (2) Did the Court of Appeal err by remanding for a determination of defendant's eligibility under Penal Code section 1001.36?

#20-60 *People v. Corder, S259760.* (B261370; nonpublished opinion; Los Angeles County Superior Court; PA073839.) Petition for review after the Court of Appeal affirmed judgments of conviction of criminal offenses. 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?

#20-61 *People v. Ellis*, S260261. (F076421; 43 Cal.App.5th 925; Kern County Superior Court; BF166031A.) Petition for review after the Court of Appeal remanded in part and otherwise affirmed a judgment of conviction of criminal offenses. The court ordered briefing deferred pending decision in *People v. Stamps*, S255843 (#19-63), which presents the following issue: Is a certificate of probable cause required for a defendant to challenge a negotiated sentence based on a subsequent ameliorative, retroactive change in the law?

#20-62 *People v. Gezzer*, S259493. (F076566; nonpublished opinion; Tulare County Superior Court; VCF340478, VCF294305.) 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. McKenzie*, S251333 (#18-161), which presents the following issue: When is the judgment in a criminal case final for purposes of applying a later change in the law if the defendant was granted probation and imposition of sentence was suspended?

#20-63 *People v. Larios*, S259983. (F078759; 42 Cal.App.5th 956; Tulare County Superior Court; VCF211993C.) 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. Gentile*, S256698 (#19-141), and *People v. Lopez*, S258175 (#19-172). *Gentile* presents the following issues: (1) Does the amendment to Penal Code section 188 by recently enacted Senate Bill No. 1437 eliminate second degree murder liability under the natural and probable consequences doctrine? (2) Does Senate Bill No. 1437 apply retroactively to cases not yet final on appeal? (3) Was it prejudicial error to instruct the jury in this case on natural and probable consequences as a theory of murder? *Lopez* 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?

DISPOSITION

Review in the following case was dismissed in light of *People v. Arredondo* (2019) 8 Cal.4th 694:

#19-151 <i>People v. Ketchens</i> , S256749.	(B282486; nonpublished opinion; Los Angeles County Superior Court; YA094354)
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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.