



Supreme Court of California
350 McAllister Street, San Francisco, CA 94102-4797
www.courts.ca.gov/supremecourt

NEWS RELEASE

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

FOR IMMEDIATE RELEASE

March 13, 2020

Summary of Cases Accepted and Related Actions During Week of March 9, 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.]

#20-64 *In re Milton*, S259954. (B297354; 42 Cal.App.5th 977; Los Angeles County Superior Court; TA039953.) Petition for review after the Court of Appeal denied a petition for writ of habeas corpus. This case presents the following issue: Do the limitations of *People v. Gallardo* (2017) 4 Cal.5th 120 on judicial fact-finding concerning the basis for a prior conviction apply retroactively to final judgments? (Compare *In re Milton* (2019) 42 Cal.App.5th 977 with *In re Brown* (Feb. 25, 2020, E071401) __ Cal.App.5th __.)

#20-65 *People v. Beloso*, S259755. (B290968; 42 Cal.App.5th 647; Los Angeles County Superior Court; VA147067.) Petition for review after the Court of Appeal remanded in part and otherwise affirmed a judgment of conviction of a criminal offense. The court ordered briefing deferred pending decision in *People v. Kopp*, S257844 (#19-171), which presents the following issues: (1) Must a court consider a defendant's ability to pay before imposing or executing fines, fees, and assessments? (2) If so, which party bears the burden of proof regarding the defendant's inability to pay?

#20-66 *People v. Clark*, S260202. (G055874; 43 Cal.App.5th 270; Orange County Superior Court; 15NF1695.) 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. Moses*, S258143 (#19-189), which presents the following issue: Did the Court of Appeal err in reversing defendant's conviction for human trafficking of a minor (Pen. Code, § 236.1, subd. (c)(1)) on the ground that defendant was communicating with an adult police officer posing as a minor rather than an actual minor?

#20-67 *People v. Colbert, S260015.* (B291207; nonpublished opinion; Los Angeles County Superior Court; BA456180.) Petition for review after the Court of Appeal affirmed a judgment of conviction of a criminal offense.

#20-68 *People v. Palkovic, S260397.* (D074342; nonpublished opinion; San Diego County Superior Court; SCD273174.) Petition for review after the Court of Appeal conditionally reversed a judgment of conviction of criminal offenses.

#20-69 *People v. Tooker, S260046.* (A154181; nonpublished opinion; Marin County Superior Court; SC197709.) Petition for review after the Court of Appeal affirmed a judgment of conviction of criminal offenses.

#20-70 *People v. Wealth, S259988.* (B294035; nonpublished opinion; Los Angeles County Superior Court; BA462465.) 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 in *Colbert, Palkovic, Tooker, and Wealth* 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?

#20-71 *People v. Crockett, S260244.* (B267614; nonpublished opinion; Los Angeles County Superior Court; SA071297.) Petition for review after the Court of Appeal remanded in part and otherwise affirmed a judgment of conviction of criminal offenses.

#20-72 *People v. Medrano, S259948.* (F068714, F069260; 42 Cal.App.5th 1001; Tulare County Superior Court; VCF282470A, VCF282470B, VCF282470C.) Petition for review after the Court of Appeal affirmed in part and reversed in part judgments of conviction of criminal offenses.

#20-73 *People v. Novela, S260228.* (F073275; nonpublished opinion; Madera County Superior Court; MCR046874.) Petition for review after the Court of Appeal affirmed in part and reversed in part a judgment of conviction of criminal offenses.

#20-74 *People v. Sandoval, S260238.* (G057558; nonpublished opinion; Orange County Superior Court; 98NF0649.) 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 *Crockett, Medrano, Novela, and Sandoval* 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?

#20-75 *People v. Davidson, S259898.* (A152777; nonpublished opinion; Contra Costa County Superior Court; 51612084.) 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. 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?

#20-76 *K.N. v. Superior Court, S259710.* (F079208; nonpublished opinion; Kern County Superior Court; JW107389-05.) Petition for review after the Court of Appeal granted a petition for peremptory writ of mandate. The court ordered briefing deferred pending decision in *O.G. v. Superior Court*, S259011 (#19-190), which presents the following issue: Did Senate Bill No. 1391 (Stats. 2018, ch. 1012), which eliminated the possibility of transfer to adult criminal court for crimes committed when a minor was 14 or 15 years old, unconstitutionally amend Proposition 57?

#20-77 *People v. Wilson, S259903.* (B287272; 42 Cal.App.5th 408, mod. 43 Cal.App.5th 491a; Los Angeles County Superior Court; BA454306.) 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. 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?

###

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.