



Supreme Court of California
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NEWS RELEASE

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FOR IMMEDIATE RELEASE

March 19, 2021

Summary of Cases Accepted and Related Actions During Week of March 15, 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.]

#21-128 *Davis v. Fresno Unified School Dist.*, S266344. (F079811; 57 Cal.App.5th 911; Fresno County Superior Court; 12CECG03718.) Petition for review after the Court of Appeal reversed the judgment in a civil action. The court limited review to the following issue: Is a lease-leaseback arrangement in which construction is financed through bond proceeds, rather than by or through the builder, a “contract” within the meaning of Government Code section 53511?

#21-129 *People v. Martinez*, S267138. (H046164; 59 Cal.App.5th 280; Santa Clara County Superior Court; C1518585.) Review ordered on the court’s own motion after the Court of Appeal reversed a judgment of conviction of a criminal offense. The court limited review to the following issue: Did the Court of Appeal correctly declare California Code of Regulations, title 10, section 2076, unconstitutional on its face?

#21-130 *Prang v. Amen*, S266590. (B298794; 58 Cal.App.5th 246; Los Angeles County Superior Court; BS173698.) Petition for review after the Court of Appeal affirmed the judgment in a civil action. This case presents the following issue: Does the term “stock” in Revenue and Taxation Code section 62, subdivision (a)(2), which defines when certain transactions transferring real property will or will not result in a change of ownership calling for reassessment of the property, refer to all types of stock shares, or only voting shares?

#21-131 *People v. Delery*, S267054. (B305434; nonpublished opinion; Los Angeles County Superior Court; MA043949.) 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. 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?

#21-132 *People v. Lewis*, S266882. (C091066; nonpublished opinion; Sacramento County Superior Court; 98F07013.) Petition for review after the Court of Appeal affirmed an order denying a post-judgment motion in a criminal matter.

#21-133 *People v. Mosley*, S266991. (B299928; nonpublished opinion; Los Angeles County Superior Court; TA046962.) 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 *Lewis* and *Mosley* 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)?

#21-134 *In re Morse*, S266884. (D077483; 59 Cal.App.5th 607; Imperial County Superior Court; EMH000347.) Petition for review after the Court of Appeal denied a petition for peremptory writ of mandate. The court ordered briefing deferred pending decision in *Walker v. Superior Court*, S263588 (#20-237), which presents the following issue: Did the superior court violate the rule of *People v. Sanchez* (2016) 63 Cal.4th 665 — that an expert cannot relate case-specific hearsay unless the facts are independently proved or covered by a hearsay exception — by relying on case-specific hearsay contained in psychological evaluations in finding probable cause to commit petitioner under the Sexually Violent Predator Act?

#21-135 *People v. Scott*, S266853. (E074939; 58 Cal.App.5th 1127; Riverside County Superior Court; RIF103852.) Petition for review after the Court of Appeal dismissed an appeal from an order denying a post-judgment motion in a criminal matter. 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? and pending decision in *People v. Delgado*, S266305 (#21-72), which presents the following issues: (1) What procedures must appointed counsel and the Courts of Appeal follow when counsel determines that an appeal from an order denying postconviction relief lacks arguable merit? (2) Are defendants entitled to notice of these procedures?

DISPOSITION

Review in the following case, which had been granted and held for *Vasquez v. Jan-Pro Franchising International, Inc.* (2021) 10 Cal.5th 944, was dismissed:

#20-18 <i>Gonzales v. San Gabriel Transit, Inc.</i>, S259027.	(B282377; 40 Cal.App.5th1131; Los Angeles County Superior Court; BC536584)
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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.