



Supreme Court of California
350 McAllister Street, San Francisco, CA 94102-4797
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NEWS RELEASE

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

FOR IMMEDIATE RELEASE

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Summary of Cases Accepted and Related Actions During Week of March 16, 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.]

#20-78 *People v. Lewis*, S260598. (B295998; 43 Cal.App.5th 1128; Los Angeles County Superior Court; TA117431.) Petition for review after the Court of Appeal affirmed an order denying a post-judgment motion in a criminal matter. The court limited review to 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)?

#20-79 *People v. Ollo*, S260130. (B290948; 42 Cal.App.5th 1152; Los Angeles County Superior Court; KA115677.) Petition for review after the Court of Appeal affirmed a judgment of conviction of a criminal offense. This case presents the following issue: Did the deceased victim's voluntary ingestion of fentanyl furnished by the defendant in the belief that it was cocaine support imposition of an enhancement for the personal infliction of great bodily injury (Pen. Code, § 12022.7, subd. (a))?

#20-80 *People v. Camacho*, S260527. (B292093; nonpublished opinion; Los Angeles County Superior Court; TA144840.) Petition for review after the Court of Appeal affirmed a judgment of conviction of criminal offenses.

#20-81 *People v. Chinchilla*, S260387. (G057448; nonpublished opinion; Orange County Superior Court; 08CF3485.) 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 *Camacho* and *Chinchilla* 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?

#20-82 *People v. Cornelius*, S260410. (B296605; 44 Cal.App.5th 54; San Luis Obispo County Superior Court; F268843.) Petition for review after the Court of Appeal affirmed an order denying a post-judgment motion in a criminal matter.

#20-83 *People v. Gutierrez*, S260050. (G057594; nonpublished opinion; Orange County Superior Court; 98NF2685.) Petition for review after the Court of Appeal affirmed an order denying a post-judgment motion in a criminal matter.

#20-84 *People v. Verdugo*, S260493. (B296630; 44 Cal.App.5th 320; Los Angeles County Superior Court; BA245638.) 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 *Cornelius*, *Gutierrez*, and *Verdugo* 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)?

#20-85 *People v. Quintanilla*, S260685. (F076951; nonpublished opinion; Fresno County Superior Court; F16903103.) Petition for review after the Court of Appeal affirmed a judgment of conviction of a criminal offense.

#20-86 *People v. Scott*, S260564. (D074334; nonpublished opinion; San Diego County Superior Court; SCD272793.) Petition for review after the Court of Appeal affirmed a judgment of conviction of criminal offenses.

The court ordered briefing in *Quintanilla* and *Scott* 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?

#20-87 *People v. Sahinian, S259969.* (B290389, B290414; nonpublished opinion; Los Angeles County Superior Court; BA444824, BA456291.) Petition for review after the Court of Appeal remanded for resentencing and otherwise affirmed a judgment of conviction of a criminal offense. The court ordered briefing deferred pending decision in *People v. Orozco, S249495* (#18-108), which presents the following issue: Can a felony conviction for receiving a stolen vehicle in violation of Penal Code section 496d be reclassified as a misdemeanor under Proposition 47 in light of Penal Code section 496, subdivision (a), which provides that receiving other stolen property is a misdemeanor when the value of the property does not exceed \$950?

#20-88 *People v. Superior Court (G.M.), S260313.* (E072822; nonpublished opinion; San Bernardino County Superior Court; FSB18000959, J267447.) Petition for review after the Court of Appeal denied 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?

#20-89 *People v. Zaldana, S259731.* (B295959; 43 Cal.App.5th 527; Los Angeles County Superior Court; BA468653.) Petition for review after the Court of Appeal remanded for resentencing and otherwise 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?

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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.