



Supreme Court of California
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NEWS RELEASE

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FOR IMMEDIATE RELEASE

March 26, 2021

Summary of Cases Accepted and Related Actions During Week of March 22, 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.]

#21-136 *People v. Bravo, S266777.* (E072782; 58 Cal.App.5th 1161; Riverside County Superior Court; RIF75184.) 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. Vivar, S260270* (#20-92), which presents the following issue: Did the Court of Appeal err in ruling that defendant failed to demonstrate prejudice within the meaning of Penal Code section 1473.7 from trial counsel's failure to properly advise him of the immigration consequences of his plea?

#21-137 *People v. Corrales, S267164.* (B303207; nonpublished opinion; Los Angeles County Superior Court; VA134775.) Petition for review after the Court of Appeal affirmed an order denying a post-judgment motion in a criminal matter.

#21-138 *People v. Gonzales, S266887.* (B301485; nonpublished opinion; Los Angeles County Superior Court; PA042487.) Petition for review after the Court of Appeal affirmed an order denying a post-judgment motion in a criminal matter.

#21-139 *People v. Hunt, S267107.* (B302851; nonpublished opinion; Los Angeles County Superior Court; A614247.) Petition for review after the Court of Appeal affirmed an order denying a post-judgment motion in a criminal matter.

#21-140 *People v. Scott, S266885.* (B300700; nonpublished opinion; Los Angeles County Superior Court; BA046808.) Petition for review after the Court of Appeal affirmed an order denying a post-judgment motion in a criminal matter.

#21-141 *People v. Tinsley, S267087.* (C089528; nonpublished opinion; San Joaquin County Superior Court; STKCRFE19940007582, SC058087A.) 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 *Corrales, Gonzales, Hunt, Scott, and Tinsley* 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)?

#21-142 *People v. Doss*, S266861. (B300197; nonpublished opinion; Los Angeles County Superior Court; TA013552.) Petition for review after the Court of Appeal affirmed an order denying a post-judgment motion in a criminal matter.

#21-143 *People v. Jones*, S266650. (C090630; nonpublished opinion; Sacramento County Superior Court; 01F07610.) 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 *Doss* and *Jones* 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)? and 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?

#21-144 *People v. Hernandez*, S266862. (F077379; nonpublished opinion; Tulare County Superior Court; VCF313733.) 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. Garcia*, S250670 (#18-141), and *People v. Valencia*, S250218 (#18-142), which present the following issues: (1) Does gang expert testimony regarding uncharged predicate offenses to establish a “pattern of criminal gang activity” under Penal Code section 186.22, subdivision (e) constitute background information or case-specific evidence within the meaning of *People v. Sanchez* (2016) 63 Cal.4th 665? (2) Was any error prejudicial?

#21-145 *People v. Leon*, S267052. (B304478; nonpublished opinion; Los Angeles County Superior Court; KA085870.) 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. 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)? and 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?

#21-146 *People v. McCoy*, S267111. (E074238; nonpublished opinion; Riverside County Superior Court; RIF130139.) 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?

#21-147 *People v. Ramos*, S266856. (D074429; nonpublished opinion; San Diego County Superior Court; SCN365966.) 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. Tirado*, S257658 (#19-174), which presents the following issue: Can the trial court impose an enhancement under Penal Code section 12022.53, subdivision (b), for personal use of a firearm, or under section 12022.53, subdivision (c), for personal and intentional discharge of a firearm, as part of its authority under section 1385 and subdivision (h) of section 12022.53 to strike an enhancement under subdivision (d) for personal and intentional discharge of a firearm resulting in death or great bodily injury, even if the lesser enhancements were not charged in the information or indictment and were not submitted to the jury?

#21-148 *People v. Seaholm*, S266706. (E074875; nonpublished opinion; Riverside County Superior Court; BPR2000051.) Petition for review after the Court of Appeal dismissed an appeal from an order revoking parole.

#21-149 *People v. Singletary*, S266892. (B301566; nonpublished opinion; Los Angeles County Superior Court; LA021100.) 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 in *Seaholm* and *Singletary* deferred pending decision in *People v. Delgadillo*, 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?

DISPOSITIONS

Review in the following case, which had been granted and held for *People v. Moses* (2020) 10 Cal.5th 893, was dismissed:

#20-66 <i>People v. Clark</i>, S260202.	(G055874; 43 Cal.App.5th 270; Orange County Superior Court; 15NF1695)
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Review in the following case was dismissed as moot in light of the settlement of the action:

#20-379 <i>Conyer v. Hula Media Services, LLC</i>, S264821.	(B296738; 53 Cal.App.5th 1189; Los Angeles County Superior Court; BC718750)
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STATUS

#19-104 *Shalabi v. City of Fontana*, S256665. In this case in which review was previously granted, the court ordered the parties to brief the following issue in addition to those previously specified: Does this court's decision in *Ganahl v. Soher* (1884) 2 Cal.Unrep. 415, retain precedential authority in light of this court's subsequent decision in *Ganahl v. Soher* (1885) 68 Cal. 95?

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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.