



Supreme Court of California
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NEWS RELEASE

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FOR IMMEDIATE RELEASE

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Summary of Cases Accepted and Related Actions During Week of April 12, 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.]

#21-160 *People v. Renteria, S266854.* (F076973; nonpublished opinion; Tulare County Superior Court; VCF304654.) Petition for review after the Court of Appeal affirmed in part and reversed in part a judgment of conviction of criminal offenses. This case presents the following issue: Was the evidence sufficient to support the criminal street gang enhancements imposed under Penal Code section 186.22, subdivision (b)?

#21-161 *People v. Aranda, S267319.* (B301114; nonpublished opinion; Los Angeles County Superior Court; A033571.) Petition for review after the Court of Appeal affirmed an order denying a post-judgment motion in a criminal matter.

#21-162 *People v. Ephriam, S267597.* (B301996; nonpublished opinion; Los Angeles County Superior Court; SA002348.) Petition for review after the Court of Appeal affirmed an order denying a post-judgment motion in a criminal matter.

#21-163 *People v. Fielder, S267271.* (B305966; nonpublished opinion; Los Angeles County Superior Court; GA051505.) Petition for review after the Court of Appeal affirmed an order denying a post-judgment motion in a criminal matter.

#21-164 *People v. Gonzales, S267310.* (B304024; nonpublished opinion; Los Angeles County Superior Court; NA072796.) Petition for review after the Court of Appeal affirmed an order denying a post-judgment motion in a criminal matter.

#21-165 *People v. Huerta, S267541.* (E074969; nonpublished opinion; San Bernardino County Superior Court; FVA07541.) Petition for review after the Court of Appeal affirmed an order denying a post-judgment motion in a criminal matter.

#21-166 *People v. Jones, S267179.* (B304219; nonpublished opinion; Los Angeles County Superior Court; BA337608.) Petition for review after the Court of Appeal affirmed an order denying a post-judgment motion in a criminal matter.

#21-167 *People v. Lallis, S267458.* (B300926; nonpublished opinion; Los Angeles County Superior Court; PA006473.) Petition for review after the Court of Appeal affirmed an order denying a post-judgment motion in a criminal matter.

#21-168 *People v. Wilson, S267249.* (B300613; nonpublished opinion; Los Angeles County Superior Court; BA061488.) Petition for review after the Court of Appeal affirmed an order denying a post-judgment motion in a criminal matter.

#21-169 *People v. Wilson, S267317.* (B304453; nonpublished opinion; Los Angeles County Superior Court; NA057146.) 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 *Aranda, Ephriam, Fielder, Gonzales, Huerta, Jones, Lallis, Wilson, and Wilson* 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)?

#21-170 *People v. Bustamante, S267320.* (B301333; nonpublished opinion; Los Angeles County Superior Court; BA292725.) 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?

#21-171 *People v. Daley*, S266947. (B301243; nonpublished opinion; Los Angeles County Superior Court; SA052445.) Petition for review after the Court of Appeal affirmed an order denying a post-judgment motion in a criminal matter.

#21-172 *People v. Garcia*, S267234. (B299615; nonpublished opinion; Los Angeles County Superior Court; BA283054.) Petition for review after the Court of Appeal affirmed an order denying a post-judgment motion in a criminal matter.

#21-173 *People v. Valdez*, S267101. (B298368; nonpublished opinion; Los Angeles County Superior Court; VA065899.) Petition for review after the Court of Appeal reversed an order denying a post-judgment motion in a criminal matter.

The court ordered briefing in *Daley*, *Garcia*, and *Valdez* 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?

#21-174 *People v. Delavega*, S267293. (A154936; 59 Cal.App.5th 1074; Contra Costa County Superior Court; 51708742.) Petition for review after the Court of Appeal a judgment of conviction of a criminal offense.

#21-175 *People v. Estrada*, S267331. (H045921, nonpublished opinion; Monterey County Superior Court; SS170309A.) Petition for review after the Court of Appeal reversed a judgment of conviction of criminal offenses.

The court ordered briefing in *Delavega* and *Estrada* 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?

#21-176 *People v. Foreman, S267384.* (F079896; nonpublished opinion; Kern County Superior Court; DF014117A.) Petition for review after the Court of Appeal affirmed an order denying a post-judgment motion in a criminal matter.

#21-177 *People v. Schuster, S267583.* (B305314; nonpublished opinion; Los Angeles County Superior Court; MA074472.) Petition for review after the Court of Appeal affirmed an order denying a post-judgment motion in a criminal matter.

#21-178 *People v. Taylor, S267344.* (H047540; 60 Cal.App.5th 115; Monterey County Superior Court; SS001208, SS981425.) 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 *Foreman, Schuster, and Taylor* deferred pending decision in *People v. Raybon, S256978* (#19-121), which presents the following issue: Did Proposition 64 [the “Adult Use of Marijuana Act”] decriminalize the possession of up to 28.5 grams of marijuana by adults 21 years of age or older who are in state prison [as well as those not in prison]?

#21-179 *People v. Hawkins, S267365.* (E074686; nonpublished opinion; Riverside County Superior Court; CR58553.) 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. 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?

#21-180 *People v. Hwang, S267274.* (C089236; 60 Cal.App.5th 358; Los Angeles County Superior Court; KA048652.) Petition for review after the Court of Appeal reversed a judgment of conviction of criminal offenses. The court ordered briefing deferred pending decision in *People v. Federico, S263082* (#20-231), which presents the following issue: Did defendant’s resentencing pursuant to Penal Code section 1170, subdivision (d)(1) “reopen” the finality of his sentence, such that he was entitled to the retroactive application of Proposition 57 and Senate Bill No. 1391 on an otherwise long-final conviction? and pending decision in *People v. Padilla, S263375* (#20-232), which presents the following issue: When a judgment becomes final, but is later vacated, altered, or amended and a new sentence imposed, is the case no longer final for the purpose of applying an intervening ameliorative change in the law?

#21-181 *People v. Kendrick, S267268.* (C089236; nonpublished opinion; Los Angeles County Superior Court; STKCRFE20020007201, SF085059B.) 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?

#21-182 *People v. Moseley*, S267309. (B303321; 59 Cal.App.5th 1160; Los Angeles County Superior Court; BA164739.) Petition for review after the Court of Appeal reversed an order granting relief on a petition for writ of habeas corpus. The court ordered briefing deferred pending decision in *People v. Williams*, S262229 (#20-189), which presents the following issue: Does Penal Code section 3051, subdivision (h), violate the equal protection clause of the Fourteenth Amendment by excluding young adults convicted and sentenced for serious sex crimes under the One Strike law (Pen. Code, § 667.61) from youth offender parole consideration, while young adults convicted of first degree murder are entitled to such consideration?

#21-183 *People v. Nava*, S267359. (B303587; nonpublished opinion; Los Angeles County Superior Court; LA036614.) Petition for review after the Court of Appeal reversed an order denying a post-judgment motion in a criminal matter. The court ordered briefing deferred pending decision in *People v. Duke*, S265309 (#21-01), which presents the following issue: Can the People meet their burden of establishing a petitioner's ineligibility for resentencing under Penal Code section 1170.95, subdivision (d)(3) by presenting substantial evidence of the petitioner's liability for murder under Penal Code sections 188 and 189 as amended by Senate Bill No. 1437 (Stats. 2018, ch. 1015), or must the People prove every element of liability for murder under the amended statutes beyond a reasonable doubt?

#21-184 *People v. Rodriguez*, S267436. (B305739; nonpublished opinion; Los Angeles County Superior Court; BA024452.) 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. 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?

DISPOSITION

People v. Plata and Tran, S165998, an automatic appeal, was abated as to defendant Noel Jesse Plata upon his death.

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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.