



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 19, 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.]

#21-185 *Tansavatdi v. City of Rancho Palos Verdes*, S267453. (B293670; 60 Cal.App.5th 423; Los Angeles County Superior Court; BC633651.) Petition for review after the Court of Appeal affirmed in part and reversed in part the judgment in a civil action. This case includes the following issue: Can a public entity be held liable under Government Code section 830.8 for failure to warn of an allegedly dangerous design of public property if the design itself is entitled to immunity under Government Code section 830.6?

#21-186 *People v. Brooks*, S267425. (F079794; nonpublished opinion; Kern County Superior Court; BF111490A.) Petition for review after the Court of Appeal affirmed an order denying a post-judgment motion in a criminal matter.

#21-187 *People v. Cummings*, S267456. (B299490; nonpublished opinion; Los Angeles County Superior Court; KA038352.) Petition for review after the Court of Appeal affirmed an order denying a post-judgment motion in a criminal matter.

#21-188 *People v. Flitcroft*, S267633. (A158033; nonpublished opinion; Mendocino County Superior Court; SCUKCRCR0568281.) Petition for review after the Court of Appeal affirmed an order denying a post-judgment motion in a criminal matter.

#21-189 *People v. Gandara*, S267733. (B298394; nonpublished opinion; Los Angeles County Superior Court; BA005631.) Petition for review after the Court of Appeal affirmed an order denying a post-judgment motion in a criminal matter.

#21-190 *People v. Jackson, S267616.* (B297698; nonpublished opinion; Los Angeles County Superior Court; BA282268.) Petition for review after the Court of Appeal affirmed an order denying a post-judgment motion in a criminal matter.

#21-191 *People v. Sorrels, S267463.* (B305320; nonpublished opinion; Los Angeles County Superior Court; BA321479.) Petition for review after the Court of Appeal affirmed an order denying a post-judgment motion in a criminal matter.

#21-192 *People v. Telles, S267450.* (C089364; nonpublished opinion; San Joaquin County Superior Court; STKCRCNV19970017436, SP061709A.) 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 *Brooks, Cummings, Flitcroft, Gandara, Jackson, Sorrels,* and *Telles* 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)?

#21-193 *People v. Carter, S267700.* (E074159; nonpublished opinion; San Bernardino County Superior Court; FSB03821.) Petition for review after the Court of Appeal affirmed an order denying a post-judgment motion in a criminal matter.

#21-194 *People v. McDermott, S267383.* (B302013; 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.

The court ordered briefing in *Carter* and *McDermott* 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?

#21-195 *People v. Christon, S267449.* (B301998, B306635; nonpublished opinion; Los Angeles County Superior Court; BA310312.) Petition for review after the Court of Appeal affirmed an order denying a post-judgment motion in a criminal matter.

#21-196 *People v. Moeum*, S267533. (B300707; nonpublished opinion; Los Angeles County Superior Court; TA111652.) 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 *Christon* and *Moeum* 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. 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?

#21-197 *People v. Delgado*, S267632. (B299482; nonpublished opinion; Los Angeles; BA470834.) 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?

#21-198 *People v. Flores*, S267522. (B350359; 60 Cal.App.5th 978; Los Angeles County Superior Court; BA477784.) 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. Tacardon*, S264219 (#20-290), which presents the following issue: Was defendant unlawfully detained when the arresting officer used his spotlight to illuminate defendant's parked car and then directed a passenger who exited the car to remain outside and stay on the sidewalk near the car?

#21-199 *People v. Harris*, S267529. (E074136; 60 Cal.App.5th 557; Riverside County Superior Court; RIF10003985.) Petition for review after the Court of Appeal affirmed an order denying a post-judgment motion in a criminal matter.

#21-200 *People v. Jordan*, S267504. (B295816; nonpublished opinion; Los Angeles County Superior Court; SA092100.) 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 *Harris* and *Jordan* 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?

21-201 *People v. Monroy*, S267678. (G058919; nonpublished opinion; Orange County Superior Court; 02CF0424.) 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?

#21-202 *People v. Walker*, S267722. (B306625; nonpublished opinion; Los Angeles County Superior Court; GA071076.) 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. 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?

STATUS

#21-160 *People v. Renteria*, S266854. The court ordered the issues to be briefed and argued in this case limited to the following: When a member of a criminal street gang acts alone in committing a felony, what evidence will suffice to establish the felony was “committed for the benefit of, at the direction of, or in association with any criminal street gang, with the specific intent to promote, further, or assist in any criminal conduct by gang members”? (Pen. Code, § 186.22, subd. (b)(1); see *People v. Albillar* (2010) 51 Cal.4th 47, 59-60.)

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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.