



Supreme Court of California  
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**NEWS RELEASE**

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**FOR IMMEDIATE RELEASE**

April 30, 2021

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## Summary of Cases Accepted and Related Actions During Week of April 26, 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.]*

**#21-203 *In re Ferrell, S265798.*** Original proceeding. The court issued an order to show cause why relief should not be granted on the ground that the jury's true finding on the Penal Code section 12022.53, subdivision (d) enhancement did not render the *People v. Chun* (2009) 45 Cal.4th 1172 error harmless beyond a reasonable doubt.

**#21-204 *In re Jenkins, S267391.*** (B301638; nonpublished opinion; Los Angeles County Superior Court; BA467828.) Petition for review after the Court of Appeal denied a petition for writ of habeas corpus. The court limited review to the following issue: When a habeas petitioner claims not to have received a fair trial because the district attorney failed to disclose material evidence in violation of *Brady v. Maryland* (1963) 373 U.S. 83 — and when the Attorney General has knowledge of, or is in actual or constructive possession of, such evidence — what duty, if any, does the Attorney General have to acknowledge or disclose that evidence to the petitioner? Would any such duty be triggered only upon issuance of an order to show cause?

**#21-205 *Pulliam v. HNL Automotive, S267576.*** (B293435; 60 Cal.App.5th 396; Los Angeles County Superior Court; BC633169.) Petition for review after the Court of Appeal affirmed an order awarding attorney fees in a civil action. This case presents the following issue: Does the word "recovery" as used in the Holder Rule (16 C.F.R. § 433.2) include attorney fees?

**#21-206 *People v. Amador, S267378.*** (B305288; nonpublished opinion; Los Angeles Superior Court; BA234510.) Petition for review after the Court of Appeal affirmed an order denying a post-judgment motion in a criminal matter.

**#21-207 *People v. Bonds*, S267729.** (B301521; nonpublished opinion; Los Angeles Superior Court; BA271120.) Petition for review after the Court of Appeal affirmed an order denying a post-judgment motion in a criminal matter.

**#21-208 *People v. Chavez*, S267743.** (B306079; nonpublished opinion; Los Angeles Superior Court; KA074077.) Petition for review after the Court of Appeal affirmed an order denying a post-judgment motion in a criminal matter.

**#21-209 *People v. Demery*, S267180.** (B304487; nonpublished opinion; Los Angeles Superior Court; KA048444, KA149139.) Petition for review after the Court of Appeal affirmed an order denying a post-judgment motion in a criminal matter.

**#21-210 *People v. Harvey*, S267464.** (B304497; nonpublished opinion; Los Angeles County Superior Court; BA205676.) Petition for review after the Court of Appeal affirmed an order denying a post-judgment motion in a criminal matter.

**#21-211 *People v. Hayter*, S267392.** (A159002; nonpublished opinion; San Francisco Superior Court; SCN180847.) 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 *Amador*, *Bonds*, *Chavez*, *Demery*, *Harvey*, and *Hayter* 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)?

**#21-212 *People v. Clements*, S267624.** (E073965; 60 Cal.App.5th 597; Inyo Superior Court; SICRF1989169810.) 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. 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?

**#21-213 *People v. Davis*, S267788.** (B302884; nonpublished opinion; Los Angeles Superior Court; BA072997.) Petition for review after the Court of Appeal affirmed an order denying a post-judgment motion in a criminal matter.

**#21-214 *People v. Harris*, S267802.** (B300410; 60 Cal.App.5th 939; Los Angeles Superior Court; YA023031.) 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 *Davis* and *Harris* 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?

**#21-215 *People v. Martin*, S267770.** (B306008; nonpublished opinion; Los Angeles Superior Court; KA089862.) 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?

**#21-216 *People v. Williams*, S267503.** (B301325; nonpublished opinion; Los Angeles Superior Court; TA144839.) 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. Renteria*, S266854 (#21-160), which presents the following issues: 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.)

## STATUS

#21-185 *Tansavatdi v. City of Rancho Palos Verdes*, S267453. The court ordered the issue to be briefed and argued in this case limited to the following: 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 that is subject to Government Code section 830.6 design immunity?

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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.*