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**NEWS RELEASE**

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**FOR IMMEDIATE RELEASE**

May 14, 2021

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## Summary of Cases Accepted and Related Actions During Week of May 10, 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.]*

**#21-217 *Allied Premier Insurance v. United Financial Casualty Co.*, S267746.** (9th Cir. No. 20-55099; 991 F.3d 1070; Central District of California No. 5:18-cv-00088-JGB-KK.) Request under California Rules of Court rule 8.548, that this court decide a question of California law presented in a matter pending in the United States Court of Appeals for the Ninth Circuit. The question presented is: Does a commercial automobile insurance policy continue in full force and effect under the Motor Carriers of Property Permit Act (Veh. Code, § 34600 et seq.) until the insurer cancels the corresponding Certificate of Insurance on file with the California Department of Motor Vehicles, regardless of the insurance policy's stated expiration date? (See *Transamerica v. Tab Transportation* (1995) 12 Cal.4th 389.)

**#21-218 *People v. Brownlee*, S267865.** (C091028; nonpublished order; Sacramento County Superior Court; 16FE018278.) Petition for review after the Court of Appeal dismissed an appeal from an order denying a post-judgment motion in a criminal matter.

**#21-219 *People v. Chavez*, S267909.** (C091683; nonpublished order; Sacramento County Superior Court; 02F04333.) Petition for review after the Court of Appeal dismissed an appeal from an order denying a post-judgment motion in a criminal matter.

**#21-220 *People v. Clark*, S267403.** (C091345; nonpublished order; Sacramento County Superior Court; 02F07480.) Petition for review after the Court of Appeal dismissed an appeal from an order denying a post-judgment motion in a criminal matter.

**#21-221 *People v. Contreras*, S268035.** (E074711; nonpublished opinion; Riverside County Superior Court; CR27580.) Petition for review after the Court of Appeal dismissed an appeal from an order denying a post-judgment motion in a criminal matter.

**#21-222 *People v. Eaddy, S268036.*** (C092275; nonpublished order; Sacramento County Superior Court; 15F02249.) Petition for review after the Court of Appeal dismissed an appeal from an order denying a post-judgment motion in a criminal matter.

**#21-223 *People v. Figueras, S267870.*** (C089228; 61 Cal.App.5th 108; San Joaquin County Superior Court; STKCRCNV19980016801, SP063761A.) Petition for review after the Court of Appeal dismissed an appeal from an order denying a post-judgment motion in a criminal matter.

**#21-224 *People v. Goethe, S267867.*** (C092417; nonpublished order; Sacramento County Superior Court; 12F00877.) Petition for review after the Court of Appeal dismissed an appeal from an order denying a post-judgment motion in a criminal matter.

**#21-225 *People v. Johnson, S267934.*** (C091979; nonpublished order; Sacramento County Superior Court; 04F03055.) Petition for review after the Court of Appeal dismissed an appeal from an order denying a post-judgment motion in a criminal matter.

**#21-226 *People v. Leyba, S267900.*** (C092129; nonpublished order; Sacramento County Superior Court; 10F06425.) Petition for review after the Court of Appeal dismissed an appeal from an order denying a post-judgment motion in a criminal matter.

**#21-227 *People v. Mason, S267438.*** (C091626; nonpublished order; San Joaquin County Superior Court; STKCRFE20080010260, SF110292A.) Petition for review after the Court of Appeal dismissed an appeal from an order denying a post-judgment motion in a criminal matter.

**#21-228 *People v. Ortega, S267370.*** (C092671; nonpublished order; Sacramento County Superior Court; 08F07509.) Petition for review after the Court of Appeal dismissed an appeal from an order denying a post-judgment motion in a criminal matter.

**#21-229 *People v. Sims, S267874.*** (C089527; nonpublished opinion; San Joaquin County Superior Court; STKCRFE19960006158, SC060460A.) Petition for review after the Court of Appeal dismissed an appeal from an order denying a post-judgment motion in a criminal matter.

**#21-230 *People v. Smith, S267904.*** (C091746; nonpublished order; Sacramento County Superior Court; CR68241.) Petition for review after the Court of Appeal dismissed an appeal from an order denying a post-judgment motion in a criminal matter.

**#21-231 *People v. Tarasuk, S267379.*** (C090332; nonpublished order; Placer County Superior Court; 62115893.) Petition for review after the Court of Appeal dismissed an appeal from an order denying a post-judgment motion in a criminal matter.

**#21-232 *People v. Vue, S267376.*** (C092122; nonpublished order; Sacramento County Superior Court; 09F02572.) Petition for review after the Court of Appeal dismissed an appeal from an order denying a post-judgment motion in a criminal matter.

**#21-233 *People v. Vue, S267738.*** (C091988; nonpublished order; Sacramento County Superior Court; 98F09534.) 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 *Brownlee, Chavez, Clark, Contreras, Eaddy, Figueras, Goethe, Johnson, Leyba, Mason, Ortega, Sims, Smith, Tarasuk, Vue, and Vue* 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?

**#21-234 *People v. Cummings, S268103.*** (B305306; nonpublished opinion; Los Angeles County Superior Court; MA011541.) Petition for review after the Court of Appeal affirmed a judgment of conviction of a criminal offense.

**#21-235 *People v. Estacio, S268067.*** (C091386; nonpublished opinion; Lassen County Superior Court; CC036286.) Petition for review after the Court of Appeal affirmed a judgment of conviction of a criminal offense.

**#21-236 *People v. Shepherd, S267872.*** (A160232; nonpublished opinion; Solano County Superior Court; FCR335753.) Petition for review after the Court of Appeal affirmed a judgment of conviction of a criminal offense.

The court ordered briefing in *Cummings, Estacio, and Shepherd* deferred pending decision in *People v. Raybon, S256798* (#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]?

**#21-237 *In re Flores, S267808.*** (G058938; nonpublished opinion; Orange County Superior Court; 94CF2726.) Petition for review after the Court of Appeal granted relief on a petition for writ of habeas corpus.

**#21-238 *People v. Vallejo, S267818.*** (E074099; nonpublished opinion; Riverside County Superior Court; RIF103887.) 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 *Flores* and *Vallejo* 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?

**#21-239 *People v. Kleinau*, S268116.** (C092104; nonpublished opinion; Nevada County Superior Court; F18000268.) Petition for review after the Court of Appeal affirmed in part and reversed in part a judgment of a conviction of criminal offense. The court ordered briefing deferred pending decision in *People v. Hernandez*, S265739 (#21-36), which presents the following issues: (1) If a defendant's prior prison term enhancements are stricken under Senate Bill No. 136, does the remainder of the sentence agreed to under a plea agreement remain intact or must the case be remanded to allow the People to withdraw from the plea agreement and to obtain the trial court's approval (see *People v. Stamps* (2020) 9 Cal.5th 685)? (2) If the plea agreement is rescinded in light of Senate Bill No. 136, can the defendant be sentenced to a term longer than provided for in the original agreement?

**#21-240 *People v. Lainez*, S267980.** (B299431; nonpublished opinion; Los Angeles County Superior Court; BA432307.) Petition for review after the Court of Appeal affirmed an order denying a post-judgment motion in a criminal matter.

**#21-241 *People v. Lavergne*, S268090.** (E074809; nonpublished opinion; Riverside County Superior Court; INF050756.) Petition for review after the Court of Appeal affirmed an order denying a post-judgment motion in a criminal matter.

**#21-242 *People v. Luster*, S267983.** (A157997; nonpublished opinion; Contra Costa County Superior Court; 59345034.) Petition for review after the Court of Appeal affirmed an order denying a post-judgment motion in a criminal matter.

**#21-243 *People v. Martin*, S268007.** (E074388; nonpublished opinion; Riverside County Superior Court; RIF135704.) Petition for review after the Court of Appeal affirmed an order denying a post-judgment motion in a criminal matter.

**#21-244 *People v. Martinez*, S267782.** (B300317; nonpublished opinion; Los Angeles County Superior Court; BA240842.) Petition for review after the Court of Appeal affirmed an order denying a post-judgment motion in a criminal matter.

**#21-245 *People v. Odom, S267879.*** (A168316; nonpublished opinion; Solano County Superior Court; VCR211543.) Petition for review after the Court of Appeal affirmed an order denying a post-judgment motion in a criminal matter.

**#21-246 *People v. Rodriguez, S267926.*** (B305365; nonpublished opinion; Los Angeles County Superior Court; BA405944.) Petition for review after the Court of Appeal affirmed an order denying a post-judgment motion in a criminal matter.

**#21-247 *People v. Valdez, S268130.*** (D078240; nonpublished opinion; San Diego County Superior Court; SCE333769.) Petitions for review after the Court of Appeal affirmed an order denying a post-judgment motion in a criminal matter.

The court ordered briefing in *Lainez, Lavergne, Luster, Martin, Martinez, Odom, Rodriguez, 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)?

**#21-248 *People v. Pratt, S267308.*** (A154907, A155287; nonpublished opinion; San Francisco County Superior Court; SCN221133.) 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?

**#21-249 *People v. Vidales, S267864.*** (C088685; nonpublished opinion; Yolo County Superior Court; CRF153593.) Petition for review after the Court of Appeal affirmed in part and reversed in part 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.)

**21-250 *People v. Walker, S268046.*** (B302037; nonpublished opinion; Los Angeles County Superior Court; BA242819.) 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?

## DISPOSITIONS

Review in the following cases, which had been granted and held for *O.G. v. Superior Court* (2021) 11 Cal.5th 82, was dismissed:

<b>#19-191 <i>People v. Superior Court (G.G.), S259048.</i></b>	(F079007; nonpublished opinion; Stanislaus County Superior Court; 514524)
<b>#19-192 <i>People v. Superior Court (I.R.), S257773.</i></b>	(F078893; 38 Cal.App.5th 383; Kings County Superior Court; 19JQ0003)
<b>#19-193 <i>People v. Superior Court (S.L.), S258432.</i></b>	(H046598; 40 Cal.App.5th 114; Santa Clara County Superior Court; JV42913)
<b>#19-194 <i>People v. Superior Court (T.D.), S257980.</i></b>	(F078697; 38 Cal.App.5th 360, mod. 39 Cal.App.5th 57a; Stanislaus County Superior Court; 512128)
<b>#20-03 <i>B.M. v. Superior Court, S259030.</i></b>	(E072265; 40 Cal.App.5th 742; Riverside County Superior Court; RIJ1301366)
<b>#20-04 <i>People v. Superior Court (A.I.), S259031.</i></b>	(F079018; nonpublished opinion; Tulare County Superior Court; JJD068683)
<b>#20-76 <i>K.N. v. Superior Court, S259710.</i></b>	(F079208; nonpublished opinion; Kern County Superior Court; JW107389-05)
<b>#20-88 <i>People v. Superior Court (G.M.), S260313.</i></b>	(E072822; nonpublished opinion; San Bernardino County Superior Court; FSB18000959, J267447)
<b>#20-136 <i>People v. Superior Court (D.C.), S261903.</i></b>	(E073283; nonpublished opinion; San Bernardino County Superior Court; J279005)

<p><b>#20-194 <i>People v. Superior Court (Rodriguez)</i>, S263223.</b></p>	<p>(F079155; nonpublished opinion; Stanislaus County Superior Court; 506846)</p>
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The following case was transferred for reconsideration in light of *O.G. v. Superior Court* (2021) 11 Cal.5th 82:

<p><b>#20-96 <i>People v. Superior Court (Tony B.)</i>, S261174.</b></p>	<p>(B294813; nonpublished opinion; Los Angeles County Superior Court; MA066321, 2H2XZWNK, MJ23850)</p>
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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.*