



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 May 24, 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.]

#21-251 *In re D.P.*, S267429. (B301135; nonpublished opinion; Los Angeles County Superior Court; 19CCJP00973). Petition for review after the Court of Appeal dismissed the appeal in a juvenile dependency proceeding. The court ordered the parties to brief and argue the following issues: (1) Is an appeal of a juvenile court's jurisdictional finding moot when a parent asserts that he or she has been or will be stigmatized by the finding? (2) Is an appeal of a juvenile court's jurisdictional finding moot when a parent asserts that he or she may be barred from challenging a current or future placement on the Child Abuse Central Index as a result of the finding?

This case includes the following issue: Was the appeal from the order sustaining jurisdiction under Welfare and Institutions Code section 300, subdivision (b), moot when jurisdiction had been terminated in the interim, even though the child's parents might be registered on the Child Abuse Central Index?

#21-252 *People v. Alexander*, S267736. (C091618; nonpublished opinion; Sacramento County Superior Court; 06F00314.) Petition for review after the Court of Appeal affirmed an order denying a post-judgment motion in a criminal matter.

#21-253 *People v. Lloyd*, S267979. (B299456; nonpublished opinion; Los Angeles County Superior Court; TA019920.) Petition for review after the Court of Appeal affirmed an order denying a post-judgment motion in a criminal matter.

#21-254 *People v. Paulino*, S268364. (B298401; nonpublished opinion; Los Angeles County Superior Court; BA138096.) 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 *Alexander, Lloyd, and Paulino* 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?

#21-255 *People v. Carter*, S268174. (E075387; nonpublished opinion; Riverside County Superior Court; CR40178.) Petition for review after the Court of Appeal dismissed an appeal from an order denying a post-judgment motion in a criminal matter.

#21-256 *People v. Imarogbe*, S268259. (C093037; nonpublished opinion; Sacramento County Superior Court; 95F09990.) 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 *Carter* and *Imarogbe* 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?

#21-257 *People v. Dean*, S268295. (E073669; nonpublished opinion; San Bernardino County Superior Court; FSB060072.) Petition for review after the Court of Appeal affirmed an order denying a post-judgment motion in a criminal matter.

#21-258 *People v. Higgins*, S268361. (B300888; nonpublished opinion; Los Angeles County Superior Court; YA035529.) Petition for review after the Court of Appeal reversed an order denying a post-judgment motion in a criminal matter.

#21-259 *People v. Roberts*, S268223. (E074745; nonpublished opinion; Riverside County Superior Court; RIF078601.) 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 *Dean, Higgins, and Roberts* 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?

#21-260 *People v. Escamilla, S268403.* (F077568; nonpublished opinion; Kern County Superior Court; BF168296A.) 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. 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?

#21-261 *People v. Goodwin, S268144.* (B307231; nonpublished opinion; Los Angeles County Superior Court; GA052683.) Petition for review after the Court of Appeal affirmed an order denying a post-judgment motion in a criminal matter.

#21-262 *People v. Hughes, S267794.* (A160287; nonpublished opinion; Alameda County Superior Court; 159734A.) Petition for review after the Court of Appeal affirmed an order denying a post-judgment motion in a criminal matter.

#21-263 *People v. Morton, S268166.* (G059414; nonpublished opinion; Orange County Superior Court; 99CF2224.) 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 *Goodwin, Hughes, and Morton* 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)?

#21-264 *People v. Hernandez, S267857.* (B303608; Los Angeles County Superior Court; BA285268.) 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?

#21-265 *In re Kakowski*, S268255. (B307097; nonpublished opinion; Sacramento County Superior Court; BH01322, LA077598, LA077880.) Petition for review after the Court of Appeal granted relief on a petition for writ of habeas corpus. The court ordered briefing deferred pending decision in *In re Mohammad*, S259999 (#20-52), which presents the following issue: Is a prisoner serving a sentence for a combination of violent and nonviolent felonies eligible for early parole consideration under the provisions of Proposition 57 following completion of the term for his or her primary offense?

#21-266 *People v. McDaniels*, S268095. (B305372; nonpublished opinion; Los Angeles County Superior Court; GA076378.) Petition for review after the Court of Appeal affirmed in part and reversed in part an order denying a post-judgment motion in a criminal matter.

#21-267 *People v. Whitson*, S268189. (B305714; nonpublished opinion; Los Angeles County Superior Court; TA013892.) Petition for review after the Court of Appeal affirmed in part and reversed in part an order denying a post-judgment motion in a criminal matter.

The court ordered briefing in *McDaniels* and *Whitson* 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?

#21-268 *People v. Mendoza*, S268368. (C090449; nonpublished opinion; San Joaquin County Superior Court; STKCRFE19930005468, SC055414B.) Petition for review after the Court of Appeal dismissed an appeal from an order denying a post-judgment motion in a criminal matter.

#21-269 *People v. Sanders*, S267735. (B307031; nonpublished opinion; Los Angeles County Superior Court; TA094940.) 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 *Mendoza* and *Sanders* 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?

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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.