



Supreme Court of California
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NEWS RELEASE

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FOR IMMEDIATE RELEASE

May 29, 2020

Summary of Cases Accepted and Related Actions During Week of May 25, 2020

[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.]

#20-132 *Alliance for Constitutional Sex Offense Laws v. California Department of Corrections and Rehabilitation*, S261362. (C087294; 45 Cal.App.5th 225; Sacramento County Superior Court; 34201780002581CUWMGDS.) Petition for review after the Court of Appeal affirmed the judgment in an action for writ of administrative mandate. The court ordered briefing deferred pending decision in *In re Gadlin*, S254599 (#19-53), which includes the following issue: Under Proposition 57 (Cal. Const., art. I, § 32), may the California Department of Corrections and Rehabilitation categorically exclude from early parole consideration all prisoners who have been previously convicted of a sex offense requiring registration under Penal Code section 290?

#20-133 *People v. Lopez*, S261515. (B297119; nonpublished opinion; Los Angeles County Superior Court; SA070283.) 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?

#20-134 *People v. Morales, S261489.* (B297638; nonpublished opinion; Los Angeles County Superior Court; BA204828.) Petition for review after the Court of Appeal affirmed an order denying a post-judgment motion in a criminal matter.

#20-135 *People v. Simpson, S261421.* (B296083; nonpublished opinion; Los Angeles County Superior Court; TA127755.) 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 *Morales* and *Simpson* 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)?

#20-136 *People v. Superior Court (D.C.), S261903.* (E073283; nonpublished opinion; San Bernardino County Superior Court; J279005.) Petition for review after the Court of Appeal denied a petition for peremptory writ of mandate. The court ordered briefing deferred pending decision in *O.G. v. Superior Court, S259011* (#19-190), which presents the following issue: Did Senate Bill No. 1391 (Stats. 2018, ch. 1012), which eliminated the possibility of transfer to adult criminal court for crimes committed when a minor was 14 or 15 years old, unconstitutionally amend Proposition 57?

#20-137 *People v. Reddick, S261664.* (C086057; nonpublished opinion; Sacramento County Superior Court; 13F07409.) 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. Frahs, S252220* (#18-175), which presents the following issues: (1) Does Penal Code section 1001.36 apply retroactively to all cases in which the judgment is not yet final? (2) Did the Court of Appeal err by remanding for a determination of defendant's eligibility under Penal Code section 1001.36?

#20-138 *People v. Soto, S261458.* (F078925; nonpublished opinion; Tulare County Superior Court; VCF240382B.) 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 *Alleynes v. United States* (2013) 570 U.S. 99 and *People v. Chiu* (2014) 59 Cal.4th 155?

DISPOSITIONS

The following cases were transferred for reconsideration in light of *People v. McKenzie* (2020) 9 Cal.5th 40:

#18-174 <i>People v. Glavish</i> , S252134.	(B287131; nonpublished opinion; Santa Clara County Superior Court; PA082516)
#19-17 <i>People v. Conatser</i> , S253438.	(A154326; nonpublished opinion; Napa County Superior Court; CR167593)
#19-18 <i>People v. Grzymiski</i> , S252911.	(A153015; 28 Cal.App.5th 799; Humboldt County Superior Court; CR1500452)
#19-30 <i>People v. Jackson</i> , S253823.	(A154670; nonpublished opinion; Solano County Superior Court; FCR320600)
#19-59 <i>People v. Case</i> , S255207.	(H045876; nonpublished opinion; Monterey County Superior Court; SS150065)
#19-168 <i>People v. Jackson</i> , S258139.	(H046413; nonpublished opinion; Monterey County Superior Court; SS161816)
#19-169 <i>People v. Jackson</i> , S258141.	(H046139; nonpublished opinion; Monterey County Superior Court; SS161816)
#19-208 <i>People v. Sapienza</i> , S258252.	(E070547; 39 Cal.App.5th 58; Riverside County Superior Court; SWF1500341)
#20-11 <i>People v. Lopez</i> , S258820.	(B289577; nonpublished opinion; Los Angeles County Superior Court; LA084142)
#20-53 <i>People v. Contreras</i> , S260093.	(H045787; nonpublished opinion; Santa Cruz County Superior Court; 16CR01219)
#20-62 <i>People v. Gezzer</i> , S259493.	(F076566; nonpublished opinion; Tulare County Superior Court; VCF340478, VCF294305)

Review in the following case, which was granted and held for *Sanchez v. Valencia Holding Co. LLC* (2015) 61 Cal.4th 899, was dismissed at the request of petitioner's counsel:

#14-130 <i>Galen v. Redfin Corp.</i> , S220936.	(A138642; 227 Cal.App.4th 1525; Alameda County Superior Court; RG13663672)
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Review in the following case was dismissed in light of the dismissal of review in *In re Palmer*, S252145 (#19-08):

#20-13 <i>In re Van Houten</i> , S258552.	(B291024; nonpublished opinion; Los Angeles County Superior Court; A253156, BH011585)
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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.