



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 June 21, 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.]

#21-316 *Travis v. Brand*, S268480. (B298104, B301479; 62 Cal.App.5th 240; Los Angeles County Superior Court; BC665330.) Petition for review after the Court of Appeal affirmed in part and reversed in part the judgment in a civil action. This case presents the following issue: Must a prevailing defendant in an action under the Political Reform Act of 1974 (Gov. Code, § 81000 et seq.) show that the case was frivolous, unreasonable, or without foundation in order to recover attorney fees?

#21-317 *People v. Camacho*, S268812. (C090113; nonpublished opinion; Sacramento County Superior Court; 15F01261.) 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. 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?

#21-318 *People v. Mendez*, S268538. (B305404; nonpublished opinion; Los Angeles County Superior Court; TA146527.) 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.)

#21-319 *People v. Miller, S268837.* (B300200; nonpublished opinion; Los Angeles County Superior Court; TA112805.) Petition for review after the Court of Appeal affirmed an order denying a post-judgment motion in a criminal matter.

#21-320 *People v. Mireles, S268605.* (B299600; nonpublished opinion; Los Angeles County Superior Court; BA289903.) 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 *Miller* and *Mireles* 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)?

#21-321 *Sujan v. Corona Regional Medical Center, S268332.* (E071217; nonpublished opinion; Riverside County Superior Court; RIC1717505.) Petition for review after the Court of Appeal affirmed an order denying a special motion to strike in a civil action. The court ordered briefing deferred pending decision in *Bonni v. St. Joseph Health System*, S244148 (#17-311), which presents the following issue: To what extent, if any, is the initiation and conduct of medical peer review proceedings protected activity under the anti-SLAPP statute?

#21-322 *People v. Young, S268766.* (B294537; nonpublished opinion; Los Angeles County Superior Court; MA064957.) 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. 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?

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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.