



Supreme Court of California  
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**NEWS RELEASE**

Contact: [Cathal Conneely](mailto:Cathal.Conneely@courts.ca.gov), 415-865-7740

**FOR IMMEDIATE RELEASE**

July 2, 2021

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## Summary of Cases Accepted and Related Actions During Week of June 28, 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.]*

**#21-323 *In re D.N.*, S268437.** (F080624; nonpublished opinion; Fresno County Superior Court; 19CEJ600384-1.) Petition for review after the Court of Appeal reversed in part and affirmed in part orders in a juvenile wardship proceeding. This case presents the following issue: Did the trial court improperly delegate its authority to the probation department and violate the minor's due process rights by permitting the probation department to offer the minor community service hours "to work off any alleged probation violations"?

**#21-324 *People v. McWilliams*, S268320.** (H045525; nonpublished opinion; Santa Clara County Superior Court; C1754407.) Petition for review after the Court of Appeal affirmed a judgment of conviction of criminal offenses. This case presents the following issues: (1) Is the discovery of a parole or probation search condition an intervening circumstance that removes the taint of an illegal detention under the attenuation doctrine? (2) What constitutes purposeful and flagrant police misconduct under the attenuation doctrine analysis?

**#21-325 *People v. Bravo*, S268744.** (B304643; nonpublished opinion; Los Angeles County Superior Court; BA167679.) Petitions for review after the Court of Appeal affirmed an order denying a post-judgment motion in a criminal matter.

**#21-326 *People v. Childress*, S268856.** (B299879; nonpublished opinion; Los Angeles County Superior Court; BA356413.) Petition for review after the Court of Appeal affirmed an order denying a post-judgment motion in a criminal matter.

**#21-327 *People v. Love, S268937.*** (B306398; nonpublished opinion; Los Angeles County Superior Court; A394113.) Petition for review after the Court of Appeal affirmed an order denying a post-judgment motion in a criminal matter.

**#21-328 *People v. Schockner, S269023.*** (B307351; nonpublished opinion; Los Angeles County Superior Court; NA063580.) 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 *Bravo, Childress, Love, and Schockner* 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)?

**#21-329 *People v. Coleman, S268865.*** (C092416; nonpublished opinion; Sacramento County Superior Court; CR118468.) Petition for review after the Court of Appeal dismissed an appeal from an order denying a post-judgment motion in a criminal matter.

**#21-330 *People v. Jeffries, S268978.*** (C092875; nonpublished opinion; Sacramento County Superior Court; 12F01615.) Petition for review after the Court of Appeal dismissed an appeal from an order denying a post-judgment motion in a criminal matter.

**#21-331 *People v. Joyner, S268620.*** (C091224; nonpublished opinion; Sacramento County Superior Court; 09F07948.) Petition for review after the Court of Appeal dismissed an appeal from an order denying a post-judgment motion in a criminal matter.

**#21-332 *People v. Mendoza, S268916.*** (E075768; nonpublished opinion; San Bernardino County Superior Court; FSB03399.) Petition for review after the Court of Appeal dismissed an appeal from an order denying a post-judgment motion in a criminal matter.

**#21-333 *People v. Miller, S268331.*** (B308504; nonpublished opinion; Los Angeles County Superior Court; NA002100.) Petition for review after the Court of Appeal dismissed an appeal from an order denying a post-judgment motion in a criminal matter.

**#21-334 *People v. Navarro, S269021.*** (C091909; nonpublished opinion; Siskiyou County Superior Court; MCYKCRF20157062.) 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 *Coleman, Jeffries, Joyner, Mendoza, Miller, and Navarro* 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?

**#21-335 *People v. Diego*, S268887.** (B303304; nonpublished opinion; Los Angeles County Superior Court; YA000719.) Petition for review after the Court of Appeal affirmed an order denying a post-judgment motion in a criminal matter.

**#21-336 *People v. Mateo*, S268757.** (B305965; nonpublished opinion; Los Angeles County Superior Court; BA414092.) Petition for review after the Court of Appeal affirmed a judgment of conviction of a criminal offense.

The court ordered briefing in *Diego* and *Mateo* 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? and 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)?

**#21-337 *People v. McDaniels*, S268915.** (B305707; nonpublished opinion; Los Angeles County Superior Court; GA073596.) 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 *Alleyne v. United States* (2013) 570 U.S. 99 and *People v. Chiu* (2014) 59 Cal.4th 155?

**#21-338 *People v. Rodriguez*, S268979.** (F080904; nonpublished opinion; Tuolumne County Superior Court; CRF54746.) Petition for review after the Court of Appeal affirmed an order denying a post-judgment motion in a criminal matter.

**#21-339 *People v. Watkins*, S268955.** (H047453; nonpublished opinion; Monterey County Superior Court; SS011298.) 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 *Rodriguez* and *Watkins* 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]?

**#21-340 *People v. Santisteven*, S268910.** (B301404; nonpublished opinion; Los Angeles County Superior Court; GA059086.) Petition for review after the Court of Appeal affirmed a judgment of conviction of a criminal offense. 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?

**#21-341 *People v. Secrease*, S268862.** (A158342; 63 Cal.App.5th 231; Solano County Superior Court; VC43681, FCR307345.) 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. 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? and 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)?

**#21-342 *People v. Stewart*, S268787.** (A157857; 62 Cal.App.5th 1065; Napa County Superior Court; 19CR000855.) Petition for review after the Court of Appeal modified and affirmed a judgment of conviction of a 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?

**#21-343 *In re Viehmeyer*, S268660.** (G059162; 62 Cal.App.5th 973; Orange County Superior Court; 02CF2946.) Petition for review after the Court of Appeal denied 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?

#### **SEPARATE STATEMENT ON DENIAL OF REVIEW**

***People v. Godbolt*, S268148.** (B302235; nonpublished opinion; Los Angeles County Superior Court; KA116437.) Petition for review after the Court of Appeal affirmed a judgments of conviction of criminal offenses.

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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.*