



Supreme Court of California  
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**NEWS RELEASE**

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**FOR IMMEDIATE RELEASE**

July 17, 2020

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## Summary of Cases Accepted and Related Actions During Week of July 13, 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.]*

**#20-181 *People v. Lopez, S261747.*** (F076295; 46 Cal.App.5th 505; Tulare County Superior Court; VCF325028TT.) Petition for review after the Court of Appeal affirmed in part and reversed in part a judgment of conviction of criminal offenses. The court limited review to the following issue: Did the trial court err by sentencing defendant to 15 years to life under the alternate penalty provision of the criminal street gang penalty statute (Pen. Code, § 186.22, subd. (b)(4)(B)) for his conviction of conspiracy to commit home invasion robbery, even though conspiracy is not an offense listed in the penalty provision?

**#20-182 *People v. Brown, S262657.*** (B299047; nonpublished opinion; Los Angeles County Superior Court; PA031009.) Petition for review after the Court of Appeal affirmed an order denying a post-judgment motion in a criminal matter.

**#20-183 *People v. Huynh, S262635.*** (D075588; nonpublished opinion; San Diego County Superior Court; SCD222832.) Petition for review after the Court of Appeal affirmed an order denying a post-judgment motion in a criminal matter.

**#20-184 *People v. Lee, S262459.*** (B297928; 49 Cal.App.5th 254; Los Angeles County Superior Court; BA079332.) 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 *Brown*, *Huynh*, and *Lee* 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)?

**#20-185 *People v. Farraj, S262660.*** (C088072; nonpublished opinion; Sacramento County Superior Court; 17FE007880.) Petition for review after the Court of Appeal affirmed a judgment of conviction of criminal offenses.

**#20-186 *People v. King, S262575.*** (B288298; nonpublished opinion; Los Angeles County Superior Court; GA085329.) Petition for review after the Court of Appeal remanded for resentencing in part and otherwise affirmed a judgment of conviction of a criminal offense.

The court ordered briefing in *Farraj* and *King* deferred pending decision in *People v. Lemcke*, S250108 (#18-136), which presents the following issue: Does instructing a jury with CALCRIM No. 315 that an eyewitness's level of certainty can be considered when evaluating the reliability of the identification violate a defendant's due process rights?

**#20-187 *McHenry v. Asylum Entertainment Delaware, LLC, S262297.*** (B292457; 46 Cal.App.5th 469; Los Angeles County Superior Court; BC641363.) Petition for review after the Court of Appeal affirmed the judgment in a civil action. The court ordered briefing deferred pending decision in *Brown v. USA Taekwondo*, S259216 (#20-01), which presents the following issue: What is the appropriate test that minor plaintiffs must satisfy to establish a duty by defendants to protect them from sexual abuse by third parties? (See *Rowland v. Christian* (1968) 69 Cal.2d 108; *Nally v. Grace Community Church* (1988) 47 Cal.3d 278; *Regents of the University of California v. Superior Court* (2018) 4 Cal.5th 607; *Doe v. United States Youth Soccer Association* (2017) 8 Cal.App.5th 1118; *Conti v. Watchtower Bible & Tract Society of New York, Inc.* (2015) 235 Cal.App.4th 1214; *Juarez v. Boy Scouts of America, Inc.* (2000) 81 Cal.App.4th 377.)

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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.*