



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 30, 2021

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## Summary of Cases Accepted and Related Actions During Week of July 26, 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.]*

**#21-379 *California Medical Assn. v. Aetna Health of California, Inc.*, S269212.**

(B304127; 63 Cal.App.5th 660; Los Angeles County Superior Court; BC487412.)

Petition for review after the Court of Appeal affirmed the judgment in a civil action. This case presents the following issues: (1) Does an organization that expends resources and diverts them from other activities in order to counteract a defendant's allegedly unfair competition practices satisfy the requirement of injury in fact or lost money or property in order to have standing to bring an action under the Unfair Competition Law (Bus. & Prof. Code, § 17200 et seq.)? (2) Does organizational standing depend on whether the organization has members who are also injured by the practices and who would also benefit from the requested relief?

**#21-380 *People v. Alexander*, S269198.** (B305299; nonpublished opinion; Los Angeles

County Superior Court; MA052748.) 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. Raybon*, S256978 (#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]?

**#21-381 *People v. Barron*, S269366.** (C093046; nonpublished opinion; Sacramento

County Superior Court; 06F06656.) 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 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?

**#21-382 *People v. Durbin*, S269488.** (B305999; nonpublished opinion; Los Angeles County Superior Court; KA064692.) Petition for review after the Court of Appeal affirmed an order denying a post-judgment motion in a criminal matter.

**#21-383 *People v. McKenzie*, S269217.** (B305393; 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 *Durbin* and *McKenzie* 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 finality of decision in *People v. Lewis* (July 26, 2021, S260598) \_\_ Cal.5th \_\_.

**#21-384 *People v. Herrera*, S269416.** (B301607; nonpublished opinion; Los Angeles County Superior Court; TA066571.) Petition for review after the Court of Appeal affirmed an order denying a post-judgment motion in a criminal matter.

**#21-385 *People v. Kishor*, S268995.** (C092425; nonpublished opinion; Sacramento County Superior Court; 98F01523.) Petition for review after the Court of Appeal affirmed an order denying a post-judgment motion in a criminal matter.

**#21-386 *People v. Mata*, S269460.** (F080013; nonpublished opinion; Stanislaus County Superior Court; 1219225.) 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 *Herrera*, *Kishor*, and *Mata* 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 finality of decision in *People v. Lewis* (July 26, 2021, S260598) \_\_ Cal.5th \_\_.

**#21-387 *People v. Houle*, S269337.** (A159055; 64 Cal.App.5th 395; Sonoma County Superior Court; SCR724212.) Petition for review after the Court of Appeal reversed a judgment of conviction of criminal offenses. 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?

**#21-388 *People v. Marshall*, S269481.** (E073810; nonpublished opinion; Inyo County Superior Court; ICSICRF198213646.) Petition for review after the Court of Appeal affirmed an order denying a post-judgment motion in a criminal matter.

**#21-389 *People v. Osuna*, S269125.** (F079997; nonpublished opinion; Kings County Superior Court; 14CMS3764C.) Petition for review after the Court of Appeal affirmed an order denying a post-judgment motion in a criminal matter.

**#21-390 *People v. Worthy*, S269243.** (E076125; nonpublished opinion; San Bernardino County Superior Court; FWV17003997.) 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 *Marshall*, *Osuna*, and *Worthy* deferred pending finality of decision in *People v. Lewis* (July 26, 2021, S260598) \_\_ Cal.5th \_\_.

**#21-391 *People v. Rangel*, S269500.** (B302169; nonpublished opinion; Los Angeles County Superior Court; PA070627.) Petition for review after the Court of Appeal affirmed an order denying a post-judgment motion in a criminal matter.

**#21-392 *People v. Stewart*, S269238.** (E074763; nonpublished opinion; Riverside County Superior Court; RIF10003595.) 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 *Rangel* and *Stewart* 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?

**#21-393 *People v. Varela*, S268842.** (E075562; nonpublished opinion; Riverside County Superior Court; CR58553.) 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. 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?

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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.*