



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 August 23, 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.]*

**#21-420 *In re Coles*, S269973.** (F079172; nonpublished opinion; Merced County Superior Court; SUF23393A.) Petition for review after the Court of Appeal affirmed an order denying a post-judgment motion in a criminal matter.

**#21-421 *In re Contreras*, S270036.** (F078975; nonpublished opinion; Tulare County Superior Court; VHC376176.) Petition for review after the Court of Appeal affirmed an order denying a post-judgment petition in a criminal matter.

**#21-422 *People v. Harris*, S269852.** (F079745; nonpublished opinion; Fresno County Superior Court; CF91445056.) Petition for review after the Court of Appeal affirmed an order denying a post-judgment motion in a criminal matter.

**#21-423 *People v. Jones*, S269563.** (C089456; nonpublished opinion, San Joaquin County Superior Court; STKCRFE19950005970, SUF23393A.) Petition for review after the Court of Appeal affirmed an order denying a post-judgment motion in a criminal matter.

**#21-424 *People v. Siqueros*, S270024.** (B305887; nonpublished opinion; Los Angeles County Superior Court; KA010224.) 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 *Cole*, *Contreras*, *Harris*, *Jones*, and *Siqueros* 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?

**#21-425 *People v. Flores*, S269778.** (F080730; nonpublished opinion; Fresno County Superior Court; F17905937.) Petition for review after the Court of Appeal remanded for resentencing and otherwise 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?

**#21-426 *Larsen v. California Victim Comp. Bd.*, S269406.** (B297857; 64 Cal.App.5th 112, mod. 64 Cal.App.5th 875a; Los Angeles County Superior Court; BS170693.) Petition for review after the Court of Appeal reversed the judgment in an action for writ of administrative mandate. The court ordered briefing deferred pending decision in *Souliotes v. California Victim Compensation Bd.*, S267930 (#21-270), which presents the following issues: (1) Does a federal court's "gateway" finding of actual innocence (*Schlup v. Delo* (1995) 513 U.S. 298) satisfy the "factually innocent" standard of Penal Code section 1485.55, subdivision (a), for entitlement to compensation by a person wrongfully convicted and incarcerated? (2) Are the factual findings and credibility determinations made in a federal court's *Schlup* order binding on state courts under Penal Code section 1485.5, subdivision (c)?

**#21-427 *People v. Maldonado*, S269959.** (B308753; nonpublished opinion; Los Angeles County Superior Court; PA045406.) Petition for review after the Court of Appeal affirmed an order denying a post-judgment motion in a criminal matter.

**#21-428 *People v. Monroy*, S269802.** (C086798; nonpublished opinion; Sacramento County Superior Court; 14F07390.) Petition for review after the Court of Appeal remanded for resentencing and otherwise affirmed a judgment of conviction of criminal offenses.

**#21-429 *People v. Perez*, S269446.** (E060438; nonpublished opinion; San Bernardino County Superior Court; FVI901482.) Petition for review after the Court of Appeal affirmed an order denying a post-judgment motion in a criminal matter.

**#21-430 *People v. Taituave*, S270026.** (B3-5271; nonpublished opinion; Los Angeles County Superior Court; NA081157.) Petition for review after the Court of Appeal affirmed an order denying a post-judgment motion in a criminal matter.

**#21-431 *People v. Valadez*, S269756.** (G059333; nonpublished opinion; Orange County Superior Court; C-78146.) 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 *Maldonado*, *Monroy*, *Perez*, *Taituave*, and *Valadez* 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?

**#21-432 *People v. Mendez*, S269938.** (F079853; nonpublished opinion; Fresno County Superior Court; F17901716.) 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. 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?

**#21-433 *In re Ontiveros*, S269832.** (D077905; 65 Cal.App.5th 899; San Diego County Superior Court; HC24134, SCD263128, SCD264642.) 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?

**#21-434 *People v. Thompson*, S269996.** (B309117; nonpublished opinion; Los Angeles County Superior Court; NA091280.) 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?

## DISPOSITIONS

The following cases were transferred for reconsideration in light of *People v. Lemcke* (2021) 11 Cal.5th 644:

<b>#19-71 <i>People v. Duggan</i>, S255200.</b>	(C079809; nonpublished opinion; Butte County Superior Court; CM041015)
<b>#19-201 <i>People v. Gordon</i>, S258077.</b>	(B286809; nonpublished opinion; Los Angeles County Superior Court; YA095166)
<b>#20-16 <i>People v. Anderson</i>, S259062.</b>	(B282048; nonpublished opinion; Los Angeles County Superior Court; TA138556)
<b>#20-17 <i>People v. Yanez</i>, S258958.</b>	(H044528; nonpublished opinion; Santa Clara County Superior Court; C1518651)
<b>#20-75 <i>People v. Davidson</i>, S259898.</b>	(A152777; nonpublished opinion; Contra Costa County Superior Court; 51612084)
<b>#20-108 <i>People v. Thomas</i>, S260624.</b>	(B288172; nonpublished opinion; Los Angeles County Superior Court; BA432214)
<b>#20-185 <i>People v. Farraj</i>, S262660.</b>	(C088072; nonpublished opinion; Sacramento County Superior Court; 17FE007880)
<b>#20-186 <i>People v. King</i>, S262575.</b>	(B288298; nonpublished opinion; Los Angeles County Superior Court; GA085329)
<b>#20-190 <i>People v. Conway</i>, S262852.</b>	(H044790; nonpublished opinion; Santa Clara County Superior Court; C1484487)
<b>#20-217 <i>People v. Guzman</i>, S263161.</b>	(B293017; nonpublished opinion; Los Angeles County Superior Court; BA465263)
<b>#20-234 <i>People v. Jenkins</i>, S263400.</b>	(C085180; nonpublished opinion; Sacramento County Superior Court; 16FE008258)
<b>#20-304 <i>People v. Burton</i>, S264321.</b>	(B293825; nonpublished opinion; Los Angeles County Superior Court; MA068747)
<b>#20-305 <i>People v. Luna</i>, S263878.</b>	(C087634; nonpublished opinion; Shasta County Superior Court; 16F5596)

<b>#20-317 <i>People v. Silva</i>, S264457.</b>	(E069863; nonpublished opinion; San Bernardino County Superior Court; FVII1500835)
<b>#21-22 <i>People v. Bonilla</i>, S265911.</b>	(G057654; nonpublished opinion; Orange County Superior Court; 15CF0197)
<b>#21-23 <i>People v. Petty</i>, S266077.</b>	(E072035; nonpublished opinion; Riverside County Superior Court; BAF1800674)
<b>#21-103 <i>People v. Alvarez</i>, S266446.</b>	(E072886; nonpublished opinion; Riverside County Superior Court; INF1501680)
<b>#21-197 <i>People v. Delgado</i>, S267632.</b>	(B299482; nonpublished opinion; Los Angeles; BA470834)

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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.*