



Supreme Court of California  
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**NEWS RELEASE**

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**FOR IMMEDIATE RELEASE**

September 17, 2021

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

**#21-453 *People v. Espinoza*, S269647.** (F079209; nonpublished opinion; Tulare County Superior Court; VCF109133B-03.) Petition for review after the Court of Appeal affirmed an order denying a post-judgment motion in a criminal matter. This case presents the following issue: Did the Court of Appeal err in ruling that defendant failed to demonstrate prejudice within the meaning of Penal Code section 1473.7 from trial counsel's failure to properly advise him of the immigration consequences of his plea?

**#21-454 *People v. Allen*, S270002.** (B306227; nonpublished opinion; Los Angeles County Superior Court; BA125580.) Petition for review after the Court of Appeal reversed an order denying a post-judgment motion in a criminal matter.

**#21-455 *People v. Bishop*, S270191.** (E075148; nonpublished opinion; Riverside County Superior Court; RIF74986.) Petition for review after the Court of Appeal affirmed an order denying a post-judgment motion in a criminal matter.

**#21-456 *People v. Bobo*, S270181.** (B305298; nonpublished opinion; Los Angeles County Superior Court; A365859.) Petition for review after the Court of Appeal affirmed an order denying a post-judgment motion in a criminal matter.

**#21-457 *People v. Cervantes*, S270208.** (B304428; nonpublished opinion; Los Angeles County Superior Court; BA081733.) Petition for review after the Court of Appeal affirmed an order denying a post-judgment motion in a criminal matter.

**#21-458 *People v. Fierro*, S270325.** (E074545; nonpublished opinion; Riverside County Superior Court; CR23644.) Petition for review after the Court of Appeal affirmed an order denying a post-judgment motion in a criminal matter.

**#21-459 *People v. Gardner, S270149.*** (B304947; nonpublished opinion; Los Angeles County Superior Court; A798933.) Petition for review after the Court of Appeal affirmed an order denying a post-judgment motion in a criminal matter.

**#21-460 *People v. Portillo, S270280.*** (B298967; nonpublished opinion; Los Angeles County Superior Court; KA030961.) Petition for review after the Court of Appeal affirmed an order denying a post-judgment motion in a criminal matter.

**#21-461 *People v. Robinson, S270308.*** (A158229; nonpublished opinion; San Francisco County Superior Court; SCN197173.) Petition for review after the Court of Appeal reversed an order denying a post-judgment motion in a criminal matter.

**#21-462 *People v. Trout, S269768.*** (E074623; nonpublished opinion; Riverside County Superior Court; CR62591.) 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 *Allen, Bishop, Bobo, Cervantes, Fierro, Gardner, Portillo, Robinson, and Trout* 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?

**#21-463 *People v. Barnett, S270248.*** (G059192; nonpublished opinion; San Bernardino County Superior Court; FSB053188.) Petition for review after the Court of Appeal reversed an order denying a post-judgment motion in a criminal matter.

**#21-464 *People v. Martinez, S270365.*** (C092554; nonpublished opinion; Sacramento County Superior Court; 03F01514.) 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 *Barnett* and *Martinez* 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) 50 U.S. 99 and *People v. Chiu* (2014) 59 Cal.4th 155?

**#21-465 *People v. Doulphus, S270189.*** (C089263; nonpublished opinion; Tehama County Superior Court; NCR88402.) Petition for review after the Court of Appeal affirmed a judgment of conviction of criminal offenses.

**#21-466 *People v. Moses, S270277.*** (E071794; nonpublished opinion; Bernardino County Superior Court; RIF1701359.) Petition for review after the Court of Appeal remanded in part and otherwise affirmed a judgment of conviction of criminal offenses.

The court ordered briefing in *Doulphus* and *Moses* 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?

**#21-467 *Poblete v. Specialized Loan Servicing, S269794.*** (C082815; nonpublished opinion; Placer County Superior Court; SCV0036635.) Petition for review after the Court of Appeal affirmed the judgment in a civil action. The court ordered briefing deferred pending decision in *Sheen v. Wells Fargo Bank, N.A., S258019* (#19-173), which presents the following issue: Does a mortgage servicer owe a borrower a duty of care to refrain from making material misrepresentations about the status of a foreclosure sale following the borrower's submission of, and the servicer's agreement to review, an application to modify a mortgage loan?

## DISPOSITIONS

The following case was transferred for reconsideration in light of *Bonni v. St. Joseph Health System* (2021) 11 Cal.5th 995:

<b>#18-2 <i>Melamed v. Cedars-Sinai Medical Center, S245420.</i></b>	(B263095; nonpublished opinion; Los Angeles County Superior Court; BC551415)
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Review in the following case, which had been granted and held for *Bonni v. St. Joseph Health System* (2021) 11 Cal.5th 995, was dismissed:

<b>#21-321 <i>Sujan v. Corona Regional Medical Center, S268332.</i></b>	(E071217; nonpublished opinion; Riverside County Superior Court; RIC1717505)
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The following case was transferred for reconsideration in light of *People v. Valencia* (2021) 11 Cal.5th 818 and *People v. Perez* (2020) 9 Cal.5th 1:

#18-105 <i>People v. Blessett</i> , S249250.	(C074267; 22 Cal.App.5th 903 [non-citable]; Sacramento County Superior Court; 12F01121)
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The following cases were transferred for reconsideration in light of *People v. Valencia* (2021) 11 Cal.5th 818:

#20-223 <i>People v. Runderson</i> , S263068.	(F074056; nonpublished opinion; Fresno County Superior Court; F15907050)
#20-272 <i>People v. Flores</i> , S263654.	(C080799; nonpublished opinion; Sacramento County Superior Court; 13F07733)
#20-328 <i>People v. Rivera</i> , S264378.	(F076612; nonpublished opinion; Tulare County Superior Court; PCF335313, PCF335314, PCF335315)
#20-378 <i>People v. Polk</i> , S264907.	(C080915; nonpublished opinion; Sacramento County Superior Court; 15F01842)
#21-20 <i>People v. Lopez</i> , S265730.	(C087357; nonpublished opinion; Yolo County Superior Court; CRF1758041)
#21-144 <i>People v. Hernandez</i> , S266862.	(F077379; nonpublished opinion; Tulare County Superior Court; VCF313733)

Review in the following case, which had been granted and held for *Conservatorship of K.P.* (2021) 11 Cal.5th 695, was dismissed:

#20-46 <i>Conservatorship of D.P.</i> , S259568.	(B291525; 41 Cal.App.5th 794; Los Angeles County Superior Court; ZE041308)
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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.*