



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 September 20, 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.]

#21-468 *People v. Carter*, S270490. (D078024; nonpublished opinion; San Diego; SCD137023.) Petition for review after the Court of Appeal affirmed an order denying a post-judgment motion in a criminal matter.

#21-469 *People v. Martinez-Costa*, S270385. (C089499; nonpublished opinion; Sacramento County Superior Court; 12F00180.) Petition for review after the Court of Appeal affirmed an order denying a post-judgment motion in a criminal matter.

#21-470 *People v. Parker*, S270407. (E074742; nonpublished opinion; Riverside County Superior Court; ICR22535.) 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 *Carter*, *Martinez-Costa*, and *Parker* 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?

#21-471 *People v. Chavez*, S270488. (B306999; nonpublished opinion; Los Angeles County Superior Court; TA115954.) Petition for review after the Court of Appeal affirmed an order denying a post-judgment motion in a criminal matter.

#21-472 *People v. Dixon, S270454.* (B307528; nonpublished opinion; Los Angeles County Superior Court; BA128574.) Petition for review after the Court of Appeal affirmed an order denying a post-judgment motion in a criminal matter.

#21-473 *People v. Gallardo, S270466.* (B308954; nonpublished opinion; Los Angeles County Superior Court; VA091171.) Petition for review after the Court of Appeal affirmed an order denying a post-judgment motion in a criminal matter.

#21-474 *People v. Gonzalez, S270453.* (B307148; nonpublished opinion; Los Angeles County Superior Court; PA056995.) Petition for review after the Court of Appeal affirmed an order denying a post-judgment motion in a criminal matter.

#21-475 *People v. Liu, S270418.* (A160489; nonpublished opinion; San Mateo County Superior Court; SC055569C.) 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 *Chavez, Dixon, Gallardo, Gonzalez, and Liu* 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?

#21-476 *People v. Loftis, S270446.* (F080908; nonpublished opinion; Fresno County Superior Court; F18908520.) Petition for review after the Court of Appeal affirmed a judgment of conviction of criminal offenses. The court ordered briefing deferred pending decision in *People v. Henderson, S265172* (#20-387), which presents the following issue: Does the Three Strikes law (Pen. Code, §§ 667, subd. (c)(6) & (7), 1170.12, subd. (a)(6) & (7)) require consecutive terms on multiple current violent or serious felony convictions, regardless of whether the offenses occurred on the same occasion or arose from the same set of operative facts?

#21-477 *People v. Prescott, S270470.* (D076420; nonpublished opinion; San Diego County Superior Court; SCD268531.) Petition for review after the Court of Appeal modified and affirmed a judgment of conviction of criminal offenses. The court ordered briefing deferred pending decision in *People v. Renteria, S266854* (#21-160), which presents the following issues: When a member of a criminal street gang acts alone in committing a felony, what evidence will suffice to establish the felony was “committed for the benefit of, at the direction of, or in association with any criminal street gang, with

the specific intent to promote, further, or assist in any criminal conduct by gang members”? (Pen. Code, § 186.22, subd. (b)(1); see *People v. Albillar* (2010) 51 Cal.4th 47, 59-60.)

#21-478 *People v. Weed, S270414.* (B301436; nonpublished opinion; Los Angeles County Superior Court; TA143782.) Petition for review after the Court of Appeal remanded in part and otherwise 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?

DISPOSITIONS

The following cases were transferred for reconsideration in light of *People v. Lewis* (2021) 11 Cal.5th 952:

#20-122 <i>People v. Britt, S261128.</i>	(B297588; nonpublished opinion; Los Angeles County Superior Court; TA098926)
#20-200 <i>People v. Condiff, S262884.</i>	(B296181; nonpublished opinion; Los Angeles County Superior Court; GA0515050)
#20-262 <i>People v. Ama, S264036.</i>	(B298078; nonpublished opinion; Los Angeles County Superior Court; A033363)
#20-291 <i>People v. Bassett, S264383.</i>	(C089493; nonpublished opinion; Sacramento County Superior Court; 09F002925)
#20-362 <i>People v. Bitson, S265357.</i>	(B301565; nonpublished opinion; Los Angeles County Superior Court; BA434959)
#21-53 <i>People v. Brown, S266296.</i>	(C089260; nonpublished opinion; Shasta County Superior Court; 93F1202)
#21-93 <i>People v. Dailey, S266638.</i>	(B302256; nonpublished opinion; Los Angeles County Superior Court; BA063895)
#21-137 <i>People v. Corrales, S267164.</i>	(B303207; nonpublished opinion; Los Angeles County Superior Court; VA134775)

#21-113 <i>People v. Laureano, S266494.</i>	(B301328; nonpublished opinion; Los Angeles County Superior Court; BA145099)
#21-187 <i>People v. Cummings, S267456.</i>	(B299490; nonpublished opinion; Los Angeles County Superior Court; KA038352)
#21-305 <i>People v. Cervantes, S268679.</i>	(G058554; nonpublished opinion; Orange County Superior Court; 01WF2314)
#21-38 <i>People v. Falcon, S266041.</i>	(B296392; 57 Cal.App.5th 272; Los Angeles County Superior Court; MA046170)

Review in the following cases was dismissed:

#19-119 <i>Molina v. Superior Court, S256394.</i>	(G056530; formerly published at 35 Cal.App.5th 531; Orange County Superior Court; 02CF0701.)
#19-123 <i>Gutierrez v. Superior Court, S256448.</i>	(G056533; nonpublished opinion; Orange County Superior Court; 04CF2787)
#19-124 <i>Martin v. Superior Court, S256423.</i>	(G056537; nonpublished opinion; Orange County Superior Court; 07NF1367)
#19-125 <i>Preciado v. Superior Court, S256449.</i>	(G056536; nonpublished opinion; Orange County Superior Court; 04CF0599)
#19-126 <i>Preciado v. Superior Court, S256460.</i>	(G056534; nonpublished opinion; Orange County Superior Court; 08HF1052)
#19-127 <i>Sotomayor v. Superior Court, S256431.</i>	(G056532; nonpublished opinion; Orange County Superior Court; 01CF0152)

STATUS

#21-453 *People v. Espinoza, S269647.* The court ordered the issue to be briefed and argued in this case limited to the following: Did the Court of Appeal err in ruling that defendant failed to adequately corroborate his claim that immigration consequences were a paramount concern and thus that he could not demonstrate prejudice within the meaning of Penal Code section 1473.7?

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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.