



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 28, 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.]*

**#20-275 *Segal v. ASICS America, S263569***. (B299184; 50 Cal.App.5th 659; Los Angeles County Superior Court; BC597769.) Petition for review after the Court of Appeal affirmed a post-judgment order in a civil action. The court limited review to the following issue: May a party recover costs for preparing multiple sets of trial exhibits and closing slides that were not used at trial?

**#20-276 *People v. Alves, S263786***. (B298708; nonpublished opinion; Los Angeles County Superior Court; BA102783.) Petition for review after the Court of Appeal affirmed an order denying a post-judgment motion in a criminal matter.

**#20-277 *People v. Cooper, S263600***. (B303284; nonpublished opinion; Los Angeles County Superior Court; YA016132.) Petition for review after the Court of Appeal affirmed an order denying a post-judgment motion in a criminal matter.

**#20-278 *People v. Ezell, S264112***. (B299601; nonpublished opinion; Los Angeles County Superior Court; PA040672.) Petition for review after the Court of Appeal affirmed an order denying a post-judgment motion in a criminal matter.

**#20-279 *People v. Lee, S264128***. (B297565; nonpublished opinion; Los Angeles County Superior Court; TA087633.) Petition for review after the Court of Appeal affirmed an order denying a post-judgment motion in a criminal matter.

**#20-280 *People v. Matthews, S263725.*** (B299219; nonpublished opinion; Los Angeles County Superior Court; A367138.) Petition for review after the Court of Appeal affirmed an order denying a post-judgment motion in a criminal matter.

**#20-281 *People v. Osband, S263809.*** (C089290; nonpublished opinion; Sacramento County Superior Court; CR74780.) Petition for review after the Court of Appeal affirmed an order denying a post-judgment motion in a criminal matter.

**#20-282 *People v. Zepeda, S264170.*** (B299071; nonpublished opinion; Los Angeles County Superior Court; PA066801.) 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 *Alves, Cooper, Ezell, Lee, Matthews, Osband, and Zepeda* 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)?

**#20-283 *People v. Donaldson, S264131.*** (F075916; nonpublished opinion; Kern County Superior Court; BF167392A, BF166044A.) 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. Esquivel, S262551* (#20-207), which presents the following issue: Is the judgment in a criminal case considered final for purposes of applying a later ameliorative change in the law when probation is granted and execution of sentence is suspended, or only upon revocation of probation when the suspended sentence is ordered into effect?

**#20-284 *People v. Jackson, S263818.*** (B296340; nonpublished opinion; Los Angeles County Superior Court; NA020015.) Petition for review after the Court of Appeal affirmed an order denying a post-judgment motion in a criminal matter.

**#20-285 *People v. Perez, S264073.*** (B298897; nonpublished opinion; Los Angeles County Superior Court; TA112332.) 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 *Jackson and Perez* 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)? and 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?.

**#20-286 *People v. Johnson*, S263149.** (C076191, C076607; nonpublished opinion; Sacramento County Superior Court; 12F01431.) Petition for review after the Court of Appeal affirmed a judgment of conviction of criminal offenses.

**#20-287 *People v. Williams*, S264052.** (B300682, B301373; nonpublished opinion; Los Angeles County Superior Court; TA124662.) 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 *Johnson* and *Williams* 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?

**#20-288 *In re Moore*, S263576.** (B299307; nonpublished opinion; Los Angeles County Superior Court; NA007617.) Petition for review after the Court of Appeal granted relief on a petition for writ of habeas corpus. The court ordered briefing deferred pending decision in *People v. Federico*, S263082 (#20-231), which presents the following issue: Did defendant's resentencing pursuant to Penal Code section 1170, subdivision (d)(1) "reopen" the finality of his sentence, such that he was entitled to the retroactive application of Proposition 57 and Senate Bill No. 1391 on an otherwise long-final conviction? and pending decision in *People v. Padilla*, S263375 (#20-232), which presents the following issue: When a judgment becomes final, but is later vacated, altered, or amended and a new sentence imposed, is the case no longer final for the purpose of applying an intervening ameliorative change in the law?

**#20-289 *In re Ung*, S263946.** (H048152; nonpublished opinion; Santa Clara County Superior Court; C1807777.) Petition for review after the Court of Appeal granted relief on a petition for writ of mandate, habeas corpus, or alternative relief. The court ordered briefing deferred pending decision in *In re Humphrey*, S247278 (#18-73), which presents

the following issues: (1) Did the Court of Appeal err in holding that principles of constitutional due process and equal protection require consideration of a criminal defendant's ability to pay in setting or reviewing the amount of monetary bail? (2) In setting the amount of monetary bail, may a trial court consider public and victim safety? Must it do so? (3) Under what circumstances does the California Constitution permit bail to be denied in noncapital cases? Included is the question of what constitutional provision governs the denial of bail in noncapital cases—article I, section 12, subdivisions (b) and (c), or article I, section 28, subdivision (f)(3), of the California Constitution—or, in the alternative, whether these provisions may be reconciled

## DISPOSITION

Review in the following case was dismissed as moot:

<b>#19-68 <i>Orchard Estate Homes, Inc. v. Orchard Homeowner Alliance</i>, S255031.</b>	(E068064; 32 Cal.App.5th 471; Riverside County Superior Court; PSC1700644)
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## STATUS

**#20-249 *Boermeester v. Carry*, S263180.** In this case in which review was previously granted, the court ordered the parties to brief the following issues: (1) Under what circumstances, if any, does the common law right to fair procedure require a private university to afford a student who is the subject of a disciplinary proceeding with the opportunity to utilize certain procedural processes, such as cross-examination of witnesses at a live hearing? (2) Did the student who was the subject of the disciplinary proceeding in this matter waive or forfeit any right he may have had to cross-examine witnesses at a live hearing? (3) Assuming it was error for the university to fail to provide the accused student with the opportunity to cross-examine witnesses at a live hearing in this matter, was the error harmless?

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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.*