



Supreme Court of California  
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**NEWS RELEASE**

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**FOR IMMEDIATE RELEASE**

October 15, 2021

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## Summary of Cases Accepted and Related Actions During Week of October 11, 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.]*

**#21-487 *People v. Alarcon*, S270518.** (B311345; nonpublished opinion; Los Angeles County Superior Court; BA203925.) Petition for review after the Court of Appeal affirmed an order denying a post-judgment motion in a criminal matter.

**#21-488 *People v. Diaz*, S270698.** (C092548; nonpublished opinion; Sacramento County Superior Court; 06F00542.) 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 *Alarcon* and *Diaz* 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?

**#21-489 *People v. Alonzo*, S270190.** (F081532; nonpublished opinion; Kern County Superior Court; BF176208A.) Petition for review after the Court of Appeal affirmed in part and reversed in part 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?

**#21-490 *People v. Bloxton, S270612.*** (B307556; nonpublished opinion; Los Angeles County Superior Court; NA018339.) Petition for review after the Court of Appeal affirmed an order denying a post-judgment motion in a criminal matter.

**#21-491 *People v. Brightmon, S270642.*** (E074478; nonpublished opinion; Riverside County Superior Court; CR66248.) Petition for review after the Court of Appeal affirmed an order denying a post-judgment motion in a criminal matter.

**#21-492 *People v. Carrera, S270523.*** (C091533; nonpublished opinion; Sacramento County Superior Court; 06F00314.) Petition for review after the Court of Appeal affirmed an order denying a post-judgment motion in a criminal matter.

**#21-493 *People v. Dyer, S270620.*** (F079609; nonpublished opinion; Fresno County Superior Court; CF02902077.) Petition for review after the Court of Appeal affirmed an order denying a post-judgment motion in a criminal matter.

**#21-494 *People v. Henry, S270643.*** (C091428; nonpublished opinion; Sacramento County Superior Court; 13F04938.) Petition for review after the Court of Appeal affirmed an order denying a post-judgment motion in a criminal matter.

**#21-495 *People v. Larrea, S270629.*** (F081268; nonpublished opinion; Kern County Superior Court; BF131238A.) Petition for review after the Court of Appeal affirmed an order denying a post-judgment motion in a criminal matter.

**#21-496 *People v. Ramos, S270816.*** (B303575; nonpublished opinion; Los Angeles County Superior Court; KA079316.) 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 *Bloxton, Brightmon, Carrera, Dyer, Henry, Larrea, and Ramos* 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?

**#21-497 *People v. Chavez, S270558.*** (B304341; nonpublished opinion; Los Angeles County Superior Court; LA036362.) 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? 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?

**#21-498 *People v. Chweya, S270812.*** (B301780; nonpublished opinion; Los Angeles County Superior Court; VA093880.) 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. Espinoza*, S269647 (#21-453), which presents the following issue: 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?

**#21-499 *People v. Duran, S270716.*** (E073843; nonpublished opinion; Riverside County Superior Court; INF1501742.) Petition for review after the Court of Appeal modified and affirmed a judgment of conviction of a criminal offense. 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?

**#21-500 *People v. Samayoa, S270605.*** (H047865; nonpublished opinion; Santa Clara County Superior Court; F1554476.) 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

Review in the following case, which was granted and held for *People v. Bryant* (2021) 11 Cal.5th 976, was dismissed:

#20-114 <i>People v. Collins</i> , S260740	(C085063; nonpublished opinion; Sacramento County Superior Court; 16FE022148)
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The following case was transferred for reconsideration in light of *People v. Bryant* (2021) 11 Cal.5th 976:

#20-115 <i>People v. Magana</i> , S260780	(B280357; nonpublished opinion; Los Angeles County Superior Court; PA083962)
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Review in the following cases, which were granted and held for *People v. Lewis* (2021) 11 Cal.5th 952, was dismissed:

#20-255 <i>People v. Carbajal</i> , S263900	(C089482; nonpublished opinion; San Joaquin County Superior Court; STKCRFE20050011082, SF098561A)
#20-264 <i>People v. DeGross</i> , S263689	(C089753; nonpublished opinion; Sacramento County Superior Court; 07F00393)
#20-265 <i>People v. Duran</i> , S263924	(B298071; nonpublished opinion; Los Angeles County Superior Court; BA068055)
#20-399 <i>People v. Cooper</i> , S265694	(B301551; nonpublished opinion; Los Angeles County Superior Court; SA034049)
#21-06 <i>People v. Brown</i> , S265942	(B304228; nonpublished opinion; Los Angeles County Superior Court; BA260644)
#21-26 <i>People v. Cota</i> , S266156	(B303670; nonpublished opinion; Los Angeles County Superior Court; BA123176)
#21-110 <i>People v. Estrella</i> , S266944	(A160443; nonpublished opinion; Alameda County Superior Court; 176410, HC1764101)
#21-188 <i>People v. Flitcroft</i> , S267633	(A158033; nonpublished opinion; Mendocino County Superior Court; SCUKCRCR0568281)
#21-371 <i>People v. Edwards</i> , S269118	(F079443; nonpublished opinion; Fresno County Superior Court; F07909043)

**STATUS**

**#20-90 *People v. Carney, S260063.*** The court directed the parties to file supplemental briefs addressing the significance, if any, of Senate Bill No. 775 (Stats. 2021, ch. 551) to the issues presented in this case.

**#21-01 *People v. Duke, S265309.*** The court directed the parties to file supplemental briefs addressing the significance, if any, of Senate Bill No. 775 (Stats. 2021, ch. 551) to the issues presented in this case.

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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.*