



Supreme Court of California
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NEWS RELEASE

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FOR IMMEDIATE RELEASE

October 16, 2020

Summary of Cases Accepted and Related Actions During Week of October 12, 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.]

#20-290 *People v. Tacardon, S264219.* (C087681; 53 Cal.App.5th 89; San Joaquin County Superior Court; STKCRFER20180003729.) Petition for review after the Court of Appeal reversed an order granting a motion to suppress evidence. This case presents the following issue: Was defendant unlawfully detained when the arresting officer used his spotlight to illuminate defendant's parked car and then directed a passenger who exited the car to remain outside and stay on the sidewalk near the car?

#20-291 *People v. Bassett, S264383.* (C089493; nonpublished opinion; Sacramento County Superior Court; 09F002925.) Petition for review after the Court of Appeal affirmed an order denying a post-judgment motion in a criminal matter.

#20-292 *People v. Boyd, S264336.* (B297468; nonpublished opinion; Los Angeles County Superior Court; MA007943.) Petition for review after the Court of Appeal affirmed an order denying a post-judgment motion in a criminal matter.

#20-293 *People v. Celaya, S264110.* (B297652; nonpublished opinion; Los Angeles County Superior Court; PA066593.) Petition for review after the Court of Appeal affirmed an order denying a post-judgment motion in a criminal matter.

#20-294 *People v. Cole, S264278.* (B304329; 52 Cal.App.5th 1023; Los Angeles County Superior Court; NA061968.) Petition for review after the Court of Appeal affirmed an order denying a post-judgment motion in a criminal matter.

#20-295 *People v. Cortez, S264004.* (B301016; nonpublished opinion; Ventura County Superior Court; 2004045000.) Petition for review after the Court of Appeal affirmed an order denying a post-judgment motion in a criminal matter.

#20-296 *People v. Gallegos, S264315.* (G057647; nonpublished opinion; Orange County Superior Court; 99CF1231.) Petition for review after the Court of Appeal affirmed an order denying a post-judgment motion in a criminal matter.

#20-297 *People v. Galvan, S264284.* (B300323; 52 Cal.App.5th 1134; Los Angeles County Superior Court; BA390560.) Petition for review after the Court of Appeal affirmed an order denying a post-judgment motion in a criminal matter.

#20-298 *People v. Gomez, S264033.* (D076101; 52 Cal.App.5th 1; Riverside County Superior Court; RIF128455.) Petition for review after the Court of Appeal affirmed an order denying a post-judgment motion in a criminal matter.

#20-299 *People v. Miron, S264286.* (B298821; nonpublished opinion; Los Angeles County Superior Court; GA037024.) Petition for review after the Court of Appeal affirmed an order denying a post-judgment motion in a criminal matter.

#20-300 *People v. Poncio, S264279.* (G057709; nonpublished opinion; Orange County Superior Court; 00CF3110.) Petition for review after the Court of Appeal affirmed an order denying a post-judgment motion in a criminal matter.

#20-301 *People v. Quintana, S264392.* (B299286; nonpublished opinion; Los Angeles County Superior Court; BA357016.) Petition for review after the Court of Appeal affirmed an order denying a post-judgment motion in a criminal matter.

#20-302 *People v. Reyes, S264155.* (B298586; nonpublished opinion; Los Angeles County Superior Court; BA108837.) Petition for review after the Court of Appeal affirmed an order denying a post-judgment motion in a criminal matter.

#20-303 *People v. Thomas, S264345.* (E072539; nonpublished opinion; Riverside County Superior Court; INF058881.) 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 *Bassett, Boyd, Celaya, Cole, Cortez, Gallegos, Galvan, Gomez, Miron, Poncio, Quintana, Reyes,* and *Thomas* 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)?

#20-304 *People v. Burton, S264321.* (B293825; nonpublished opinion; Los Angeles County Superior Court; MA068747.) Petition for review after the Court of Appeal affirmed a judgment of conviction of criminal offenses.

#20-305 *People v. Luna, S263878.* (C087634; nonpublished opinion; Shasta County Superior Court; 16F5596.) Petition for review after the Court of Appeal affirmed in part and reversed in part judgments of conviction of criminal offenses.

The court ordered briefing in *Burton* and *Luna* deferred pending decision in *People v. Lemcke*, S250108 (#18-136), which presents the following issue: Does instructing a jury with CALCRIM No. 315 that an eyewitness's level of certainty can be considered when evaluating the reliability of the identification violate a defendant's due process rights?

#20-306 *People v. Herrera, S264339.* (H046631; 52 Cal.App.5th 982; Monterey County Superior Court; 17CR000630.) 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. Raybon*, S256798 (#19-121), which presents the following issue: Did Proposition 64 [the "Adult Use of Marijuana Act"] decriminalize the possession of up to 28.5 grams of marijuana by adults 21 years of age or older who are in state prison [as well as those not in prison]?

#20-307 *Howard Jarvis Taxpayers Assn. v. Bay Area Toll Authority, S263835.* (A157598, A157972; 51 Cal.App.5th 435; San Francisco County Superior Court; CGC18567860, CPF18516276.) Petition for review after the Court of Appeal affirmed the judgment in a civil action. The court ordered briefing deferred pending decision in *Zolly v. City of Oakland*, S262634 (#20-209), which presents the following issue: Must city franchise fees that are subject to California Constitution, article XIII C, be reasonably related to the value of the franchise?

#20-308 *People v. Lopez, S264189.* (E071797; nonpublished opinion; Riverside County Superior Court; INF1600709.) 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?

#20-309 *People v. Quiroz, S263880.* (B296705; nonpublished opinion; Los Angeles County Superior Court; MA038679.) The court ordered briefing deferred pending decision in 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?

DISPOSITIONS

The following cases were transferred for reconsideration in light of *People v. Stamps* (2020) 9 Cal.5th 685:

#19-62 <i>People v. Kelly, S255145.</i>	(B291220; 32 Cal.App.5th 1013; Ventura County Superior Court; 2017008225)
#19-102 <i>People v. Fox, S256298.</i>	(A153133; nonpublished opinion; San Francisco County Superior Court; SCN225583)
#19-137 <i>People v. Galindo, S256568.</i>	(A154509; 35 Cal.App.5th 658; Mendocino County Superior Court; SCUKCRPA17927451, SCUKCRCR17927461)
#19-149 <i>People v. Joaquin, S257245.</i>	(A152786; nonpublished opinion; Mendocino County Superior Court; SCUKCRCR1789461001)
#19-150 <i>People v. Madrigal, S257356.</i>	(H044892; nonpublished opinion; Santa Clara County Superior Court; C1226816)
#19-152 <i>People v. Espana, S257407.</i>	(H046062; nonpublished opinion; Santa Clara County Superior Court; C1361295)
#19-163 <i>People v. Alexander, S257190.</i>	(A151809. A152247; 36 Cal.App.5th 827; San Francisco County Superior Court; SCN220303)
#19-164 <i>People v. Antuna, S257744.</i>	(H042678; nonpublished opinion; Santa Clara County Superior Court; C1084548)
#19-200 <i>People v. Baker, S258721.</i>	(B293809; nonpublished opinion; San Luis Obispo County Superior Court; 18F-02395)
#20-144 <i>People v. Niebla, S261855.</i>	(D075037; nonpublished opinion; San Diego County Superior Court; SCD212938)

#19-156 <i>People v. Williams, S257538.</i>	(B290506; 37 Cal.App.5th 602; Los Angeles County Superior Court; YA095655)
#20-77 <i>People v. Wilson, S259903.</i>	(B287272; 42 Cal.App.5th 408, mod. 43 Cal.App.5th 491a; Los Angeles County Superior Court; BA454306)

Review in the following case, which was granted and held for *People v. Stamps* (2020) 9 Cal.5th 685, was dismissed:

#20-61 <i>People v. Ellis, S260261.</i>	(F076421; 43 Cal.App.5th 925; Kern County Superior Court; BF166031A.)
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The following case was transferred for reconsideration in light of *United Auburn Indian Rancheria v. Newsom* (2020) 10 Cal.5th 538:

#17-109 <i>Stand Up for California! v. State of California, S239630.</i>	(F069302; 6 Cal.App.5th 686; Madera County Superior Court; MCV062850)
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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 issue in addition to those previously specified: What effect, if any, does Senate Bill No. 493 (2019-2020 Reg. Sess.) have on the resolution of the issues presented by 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.