



Supreme Court of California
350 McAllister Street, San Francisco, CA 94102-4797
www.courts.ca.gov/supremecourt

NEWS RELEASE

Contact: [Cathal Conneely](mailto:Cathal.Conneely@courts.ca.gov), 415-865-7740

FOR IMMEDIATE RELEASE

October 23, 2020

Summary of Cases Accepted and Related Actions During Week of October 19, 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.]

#20-310 *Pico Neighborhood Assn. v. City of Santa Monica*, S263972. (B295935; 51 Cal.App.5th 1002; Los Angeles County Superior Court; BC616804.) Petition for review after the Court of Appeal reversed the judgment in a civil action. The court directed the parties to brief the following issue: What must a plaintiff prove in order to establish vote dilution under the California Voting Rights Act (Elec. Code, §§ 14025-14032)?

#20-311 *In re A.M.*, S264012. (E075218; nonpublished opinion; San Bernardino County Superior Court; J283167, J283168.) Petition for review after the Court of Appeal dismissed an appeal in a juvenile dependency proceeding. The court ordered briefing deferred pending decision in *In re A.R.*, S260928 (#20-120), which presents the following issues: (1) Does a parent in a juvenile dependency case have the right to challenge her counsel's failure to file a timely notice of appeal from an order terminating her parental rights under Welfare and Institutions Code section 366.26? (See Welf. & Inst. Code, § 317.5, subd. (a); *In re Kristin H.* (1996) 46 Cal.App.4th 1635 [ineffective assistance of counsel claim in dependency proceeding brought on a petition for writ of habeas corpus].) (2) If so, what are the proper procedures for raising such a claim?

#20-312 *People v. Cooper*, S264385. (B300934; nonpublished opinion; Los Angeles County Superior Court; GA066001.) Petition for review after the Court of Appeal affirmed an order denying a post-judgment motion in a criminal matter.

#20-313 *People v. Green*, S264485. (E074346; nonpublished opinion; San Bernardino County Superior Court; FSB1102089.) Petition for review after the Court of Appeal affirmed an order denying a post-judgment motion in a criminal matter.

#20-314 *People v. Guzman*, S264423. (B297087; nonpublished opinion; Los Angeles County Superior Court; BA040676.) Petition for review after the Court of Appeal affirmed an order denying a post-judgment motion in a criminal matter.

#20-315 *People v. Solomon*, S264382. (B301538; nonpublished opinion; Los Angeles County Superior Court; PA020188.) 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 *Cooper, Green, Guzman*, and *Solomon* 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)?

#20-316 *In re Hernandez*, S264019. (F076752; nonpublished opinion; Kern County Superior Court; HC15330A, BF150639A.) 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. Vivar*, S260270 (#20-92), which 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?

#20-317 *People v. Silva*, S264457. (E069863; nonpublished opinion; San Bernardino County Superior Court; FVI1500835.) Petition for review after the Court of Appeal remanded for resentencing and otherwise affirmed a judgment of conviction of a criminal offense. The court ordered briefing 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?

DISPOSITION

Review in the following case, which was granted and held for *Facebook v. Superior Ct. (Touchstone)* (2020) 10 Cal.5th 329, was dismissed:

#20-140 <i>Facebook, Inc. v. Superior Court</i>, S260846.	(A157143; 46 Cal.App.5th 109; San Francisco County Superior Court; 13035657, 13035658)
--	--

#

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.