



Supreme Court of California  
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**NEWS RELEASE**

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**FOR IMMEDIATE RELEASE**

October 30, 2020

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## Summary of Cases Accepted and Related Actions During Week of October 26, 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.]*

**#20-318 *People v. Grissom*, S264576.** (B303540; nonpublished opinion; Los Angeles County Superior Court; YA026000.) Petition for review after the Court of Appeal affirmed an order denying a post-judgment motion in a criminal matter.

**#20-319 *People v. Handwerk*, S264507.** (E072738; nonpublished opinion; Riverside County Superior Court; INF065236.) Petition for review after the Court of Appeal affirmed an order denying a post-judgment motion in a criminal matter.

**#20-320 *People v. Marcus*, S264319.** (B300883; nonpublished opinion; Los Angeles County Superior Court; YA071844.) Petition for review after the Court of Appeal affirmed an order denying a post-judgment motion in a criminal matter.

**#20-321 *People v. McCoy*, S264645.** (C089978; nonpublished opinion; Sacramento County Superior Court; 78299.) Petition for review after the Court of Appeal affirmed an order denying a post-judgment motion in a criminal matter.

**#20-322 *People v. Mejia*, S264554.** (B302951; nonpublished opinion; Los Angeles County Superior Court; BA329116.) Petition for review after the Court of Appeal affirmed an order denying a post-judgment motion in a criminal matter.

**#20-323 *People v. Santos*, S264649.** (G057886; nonpublished opinion; Orange County Superior Court; 02CF2639.) Petition for review after the Court of Appeal affirmed an order denying a post-judgment motion in a criminal matter.

**#20-324 *People v. Teague*, S264590.** (B303706; nonpublished opinion; Los Angeles County Superior Court; TA024803.) 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 *Grissom, Handwerk, Marcus, McCoy, Mejia, Santos*, and *Teague* 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)?

**#20-325 *In re Johnson*, S264574.** (C089242; nonpublished opinion; San Joaquin County Superior Court; STKCRFMISC20180004591.) 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 *In re Gadlin*, S254599 (#19-53), which includes the following issue: Under Proposition 57 (Cal. Const., art. I, § 32), may the California Department of Corrections and Rehabilitation categorically exclude from early parole consideration all prisoners who have been previously convicted of a sex offense requiring registration under Penal Code section 290?

**#20-32 *People v. Rendon*, S264611.** (G057637; nonpublished opinion; Orange County Superior Court; 12CF1604.) Petition for review after the Court of Appeal affirmed an order denying a post-judgment motion in a criminal matter.

**#20-327 *People v. Sanchez*, S264515.** (B300319; nonpublished opinion; Los Angeles County Superior Court; BA272661.) 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 *Rendon* and *Sanchez* 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?

**#20-328 *People v. Rivera, S264378.*** (F076612; nonpublished opinion; Tulare County Superior Court; PCF335313, PCF335314, PCF335315.) 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. Garcia, S250670* (#18-141), and *People v. Valencia, S250218* (#18-142), which present the following issues: (1) Does gang expert testimony regarding uncharged predicate offenses to establish a “pattern of criminal gang activity” under Penal Code section 186.22, subdivision (e) constitute background information or case-specific evidence within the meaning of *People v. Sanchez* (2016) 63 Cal.4th 665? (2) Was any error prejudicial?

#### **DISPOSITION**

Review in the following case was dismissed as moot and without prejudice to petitioner’s right to seek relief on habeas corpus in this court in the event he is remanded into custody, and the Reporter of Decisions was directed not to publish in the Official Appellate Reports the Court of Appeal opinion in this matter filed January 30, 2020, which appears at 44 Cal.App.5th 875:

<b>#20-156 <i>In re Howerton, S261157.</i></b>	(F076546; 44 Cal.App.5th 875; Kern County Superior Court; HC015497A)
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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.*