



Supreme Court of California  
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**NEWS RELEASE**

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**FOR IMMEDIATE RELEASE**

November 13, 2020

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## Summary of Cases Accepted and Related Actions During Week of November 9, 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.]*

**#20-329 *People v. Amirian, S264551.*** (B298094; nonpublished opinion; Los Angeles County Superior Court; GA087122.) 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?

**#20-330 *People v. Archuleta, S264770.*** (D077364; nonpublished opinion; Imperial County Superior Court; JCF30393.) Petition for review after the Court of Appeal affirmed a judgment of conviction of a criminal offense.

**#20-331 *People v. Livingston, S264761.*** (D076418; nonpublished opinion; Imperial County Superior Court; JCF001578.) Petition for review after the Court of Appeal affirmed a judgment of conviction of a criminal offense.

**#20-332 *People v. Millsap, S264659.*** (B302075; nonpublished opinion; Los Angeles County Superior Court; MA063684.) Petition for review after the Court of Appeal affirmed a judgment of conviction of a criminal offense.

**#20-333 *People v. Moreno, S264783.*** (D077337; nonpublished opinion; Imperial County Superior Court; JCF8449.) Petition for review after the Court of Appeal affirmed a judgment of conviction of a criminal offense.

The court ordered briefing in *Archuleta, Livingston, Millsap, and Moreno* 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]?

**#20-334 *People v. Beaudreaux, S264885.*** (A159751; nonpublished opinion; Alameda County Superior Court; 160022B.) Petition for review after the Court of Appeal affirmed a judgment of conviction of criminal offenses.

**#20-335 *People v. Conatser, S264721.*** (A154326; 53 Cal.App.5th 1223; Alameda County Superior Court; CR167593.) Petition for review after the Court of Appeal remanded for resentencing and otherwise affirmed a judgment of conviction of criminal offenses.

**#20-336 *People v. Contreras, S264638.*** (H045787; nonpublished opinion; Santa Cruz County Superior Court; 16CR01219.) Petition for review after the Court of Appeal remanded for resentencing and otherwise affirmed a judgment of conviction of criminal offenses.

**#20-337 *People v. Martinez, S264848.*** (B303086; nonpublished opinion; 54 Cal.App.5th 59; Ventura County Superior Court; 2017032341.) Petition for review after the Court of Appeal remanded for resentencing and otherwise affirmed a judgment of conviction of criminal offenses.

The court ordered briefing in *Beaudreaux, Conatser, Contreras, and Martinez* 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?

**#20-338 *People v. Camphor, S264836.*** (A151488; nonpublished opinion; Alameda County Superior Court; 178180.) Petition for review after the Court of Appeal remanded for resentencing and otherwise affirmed a judgment of conviction of criminal offenses. The court ordered briefing deferred pending decision in *In re Vaquera, S258376* (#19-195), which presents the following issues: (1) Did the Court of Appeal err by disagreeing with *People v. Jimenez* (2019) 35 Cal.App.5th 373 and endorsing as mandatory the

sentencing practice prohibited in that case? (2) Is the Court of Appeal's decision incorrect under *People v. Mancebo* (2002) 27 Cal.4th 735? (3) Did the Court of Appeal err by failing to address petitioner's claims as to the issues of waiver and estoppel?

**#20-339 *People v. Cardenas*, S264713.** (G058311; nonpublished opinion; Orange County Superior Court; 07CF2192.) Petition for review after the Court of Appeal affirmed an order denying a post-judgment motion in a criminal matter.

**#20-340 *People v. Cooper*, S264684.** (A156880; 54 Cal.App.5th 106; Alameda County Superior Court; 12225.) Petition for review after the Court of Appeal reversed an order denying a post-judgment motion in a criminal matter.

**#20-341 *People v. Miller*, S264724.** (B297084; nonpublished opinion; Los Angeles County Superior Court; NA049632.) Petition for review after the Court of Appeal affirmed an order denying a post-judgment motion in a criminal matter.

**#20-342 *People v. Olson*, S264322.** (B300206; nonpublished opinion; Los Angeles County Superior Court; YA018677.) 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 *Cardenas*, *Cooper*, *Miller*, and *Olson* 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)?

**#20-343 *People v. Davila*, S264750.** (B298856; nonpublished opinion; Los Angeles County Superior Court; KA090972.) 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. 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?

**#20-344 *In re Febbo*, S264287.** (G057667; 52 Cal.App.5th 1088; Orange County Superior Court; M17593.) Petitions for review after the Court of Appeal affirmed an order granting relief on a petition for writ of habeas corpus.

**#20-345 *People v. Payne*, S264871.** (A158497; nonpublished opinion; Marin County Superior Court; SC206090.) Petition for review after the Court of Appeal affirmed an order granting relief on a petition for writ of habeas corpus.

The court ordered briefing in *Febbo* and *Payne* 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?

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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.*