



Supreme Court of California  
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**NEWS RELEASE**

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**FOR IMMEDIATE RELEASE**

December 11, 2020

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## Summary of Cases Accepted and Related Actions During Week of December 7, 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.]*

**#20-361 *People v. Ware, S263923.*** (D072515; 52 Cal.App.5th 919; San Diego County Superior Court; SCD255884.) Petition for review after the Court of Appeal affirmed in part and reversed in part judgments of conviction of criminal offenses. The court limited review to the following issue: Does sufficient evidence support Hoskins's Count 1 conviction for conspiracy to commit murder?

**#20-362 *People v. Bitson, S265357.*** (B301565; nonpublished opinion; Los Angeles County Superior Court; BA434959.) Petition for review after the Court of Appeal affirmed an order denying a post-judgment motion in a criminal matter.

**#20-363 *People v. Celeya, S265383.*** (B298988; nonpublished opinion; Los Angeles County Superior Court; BA268597.) Petition for review after the Court of Appeal affirmed an order denying a post-judgment motion in a criminal matter.

**#20-364 *People v. Davis, S265425.*** (B297734; nonpublished opinion; Los Angeles County Superior Court; TA103093.) Petition for review after the Court of Appeal affirmed an order denying a post-judgment motion in a criminal matter.

**#20-365 *People v. Gonzalez, S264789.*** (B300393; nonpublished opinion; Los Angeles County Superior Court; TA068135.) Petition for review after the Court of Appeal affirmed an order denying a post-judgment motion in a criminal matter.

**#20-366 *People v. Lakey, S264677.*** (C089487; nonpublished opinion; San Joaquin County Superior Court; SC059733B, STKCRFE19960005306.) Petition for review after

the Court of Appeal affirmed an order denying a post-judgment motion in a criminal matter.

**#20-367 *People v. Lopez, S265175.*** (B301826; nonpublished opinion; Los Angeles County Superior Court; BA128074.) Petition for review after the Court of Appeal affirmed an order denying a post-judgment motion in a criminal matter.

**#20-368 *People v. Milliken, S265125.*** (C089246; nonpublished opinion; San Joaquin County Superior Court; SF091235A, STKCRFE20040007094.) Petition for review after the Court of Appeal affirmed an order denying a post-judgment motion in a criminal matter.

**#20-369 *People v. Perez, S265254.*** (B301466; 54 Cal.App.5th 896; Los Angeles County Superior Court; PA028774.) Petition for review after the Court of Appeal affirmed an order denying a post-judgment motion in a criminal matter.

**#20-370 *People v. Russell, S265128.*** (C090723; nonpublished opinion; Sacramento County Superior Court; 05F00798.) Petition for review after the Court of Appeal affirmed an order denying a post-judgment motion in a criminal matter.

**#20-371 *People v. Servin, S265187.*** (B301690; nonpublished opinion; Los Angeles County Superior Court; BA190204.) Petition for review after the Court of Appeal affirmed an order denying a post-judgment motion in a criminal matter.

**#20-372 *People v. Watson, S265189.*** (E072650; nonpublished opinion; San Bernardino County Superior Court; FVA014260.) 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 *Bitson, Celeya, Davis, Gonzalez, Lakey, Lopez, Milliken, Perez, Russell, Servin, and Watson* 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)?

**#20-373 *People v. Dudley, S265248.*** (B300919; nonpublished opinion; Los Angeles County Superior Court; BA439602.) 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. 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?

**#20-374 *People v. Figueroa, S264653.*** (F077514; nonpublished opinion; Tulare County Superior Court; VCF331062.) 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?

**#20-375 *People v. Gezzer, S265198.*** (F076566; nonpublished opinion; Tulare County Superior Court; VCF294305, VCF340478.) 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. 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?

**#20-376 *In re King, S265247.*** (E074401; 54 Cal.App.5th 814; San Bernardino County Superior Court; FBA05576, WHCJS1900438.) 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?

**#20-377 *People v. Pardo, S265232.*** (B303150; nonpublished opinion; Los Angeles County Superior Court; KA034850.) 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?

**#20-378 *People v. Polk*, S264907.** (C080915; nonpublished opinion; Sacramento County Superior Court; 15F01842.) Petition for review after the Court of Appeal affirmed a judgment of conviction of criminal offenses. 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?

## DISPOSITIONS

Review in the following case, which had been held for *Wilde v. City of Dunsmuir* (2020) 9 Cal.5th 1105, was dismissed:

<b>#19-139 <i>Howard Jarvis Taxpayers Assn. v. Amador Water Agency</i>, S257009.</b>	(C082079; 36 Cal.App.5th 279, mod. 37 Cal.App.5th 164a; Amador County Superior Court; 16CV9564)
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The following cases were transferred for reconsideration in light of *Protecting Our Water & Environmental Resources v. County of Stanislaus* (2020) 10 Cal.5th 479:

<b>#18-153 <i>California Water Impact Network v. County of San Luis Obispo</i>, S251056.</b>	(B283846; 25 Cal.App.5th 666; San Luis Obispo County Superior Court; 16CVP-0195)
<b>#18-154 <i>Coston v. Stanislaus County</i>, S251721.</b>	(F074209; nonpublished opinion; Stanislaus County Superior Court; 201656)

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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.*