



Supreme Court of California  
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**NEWS RELEASE**

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**FOR IMMEDIATE RELEASE**

December 31, 2020

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## Summary of Cases Accepted and Related Actions During Week of December 28, 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.]*

**#20-396 *Bailey v. San Francisco District Attorney's Office, S265223.*** (A153520; nonpublished opinion; San Francisco County Superior Court; CGC15549675.) Petition for review after the Court of Appeal affirmed the judgment in a civil action. This case presents the following issue: Did the Court of Appeal properly affirm summary judgment in favor of defendants on plaintiff's claims of hostile work environment based on race, retaliation, and failure to prevent discrimination, harassment and retaliation?

**#20-397 *People v. Anderson, S265771.*** (A156857; nonpublished opinion; Alameda County Superior Court; 114102A.) Petition for review after the Court of Appeal affirmed an order denying a post-judgment motion in a criminal matter.

**#20-398 *People v. Calhoun, S265523.*** (B296956; nonpublished opinion; Los Angeles County Superior Court; TA073433.) Petition for review after the Court of Appeal affirmed an order denying a post-judgment motion in a criminal matter.

**#20-399 *People v. Cooper, S265694.*** (B301551; nonpublished opinion; Los Angeles County Superior Court; SA034049.) Petition for review after the Court of Appeal affirmed an order denying a post-judgment motion in a criminal matter.

**#20-400 *People v. Kuykendall, S265787.*** (B297725; nonpublished opinion; Los Angeles County Superior Court; VA038748.) Petition for review after the Court of Appeal affirmed an order denying a post-judgment motion in a criminal matter.

**#20-401 *People v. Nowden, S265614.*** (D075767; nonpublished opinion; San Diego County Superior Court; SCD143117.) Petition for review after the Court of Appeal affirmed an order denying a post-judgment motion in a criminal matter.

**#20-402 *People v. Torlucci, S265769.*** (B299582; nonpublished opinion; Los Angeles County Superior Court; BA126357.) Petition for review after the Court of Appeal affirmed an order denying a post-judgment motion in a criminal matter.

**#20-403 *People v. Witherspoon, S265710.*** (B303406; nonpublished opinion; Los Angeles County Superior Court; BA008291.) Petition for review after the Court of Appeal affirmed an order denying a post-judgment motion in a criminal matter.

**#20-404 *People v. Woodson, S265609.*** (B299633; nonpublished opinion; Los Angeles County Superior Court; BA419591.) 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 *Anderson, Calhoun, Cooper, Kuykendall, Nowden, Torlucci, Witherspoon, and Woodson* 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)?

**#20-405 *Annie G. v. Glacial Garden Skating Arenas, S265251.*** (B293351, B295766; nonpublished opinion; Los Angeles County Superior Court; BC624620, BC694892.) Petition for review after the Court of Appeal affirmed in part and reversed in part the judgment in a civil action. The court ordered briefing deferred pending decision in *Brown v. USA Taekwondo, S259216* (#20-01), which presents the following issue: What is the appropriate test that minor plaintiffs must satisfy to establish a duty by defendants to protect them from sexual abuse by third parties? (See *Rowland v. Christian* (1968) 69 Cal.2d 108; *Nally v. Grace Community Church* (1988) 47 Cal.3d 278; *Regents of the University of California v. Superior Court* (2018) 4 Cal.5th 607; *Doe v. United States Youth Soccer Association* (2017) 8 Cal.App.5th 1118; *Conti v. Watchtower Bible & Tract Society of New York, Inc.* (2015) 235 Cal.App.4th 1214; *Juarez v. Boy Scouts of America, Inc.* (2000) 81 Cal.App.4th 377.)

**#20-406 *People v. Hunter, S265569.*** (E073825; nonpublished opinion; Riverside County Superior Court; RIF1105356.) Petition for review after the Court of Appeal ordered the abstract of judgment corrected and otherwise 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?

**#20-407 *People v. Trotter*, S265713.** (C089578; nonpublished opinion; Sacramento County Superior Court; 05F03192.) Petition for review after the Court of Appeal affirmed an order denying a post-judgment motion in a criminal matter.

**#20-408 *People v. Woods*, S265686.** (B297732; nonpublished opinion; Los Angeles County Superior Court; KA033813.) 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 *Trotter* and *Woods* 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?

#### **SEPARATE STATEMENT ON DENIAL OF REVIEW**

*In re J.E.*, S265077. (A156839; 54 Cal.App.5th 309; Contra Costa County Superior Court; J1900105.) Petition for review after the Court of Appeal affirmed orders in a juvenile wardship proceeding.

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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.*