



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

January 17, 2020

Summary of Cases Accepted and Related Actions During Week of January 13, 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.]

#20-15 *In re Lopez*, S258912. (A152748; nonpublished opinion; Sonoma County Superior Court; SCR32760.) Petition for review after the Court of Appeal reversed an order granting relief on a petition for writ of habeas corpus. This case presents the following issues: (1) Does a true finding on a gang-killing special circumstance (Pen. Code, § 190.2, subd. (a)(22)) render *Chiu* error (*People v. Chiu* (2014) 59 Cal.4th 155) harmless? (2) To what extent or in what manner, if any, may a reviewing court consider the evidence in favor of a legally valid theory in assessing whether it is clear beyond a reasonable doubt that the jury based its verdict on the valid theory, when the record contains indications that the jury considered the invalid theory? (See *People v. Aledamat* (2019) 8 Cal.5th 1.)

#20-16 *People v. Anderson*, S259062. (B282048; nonpublished opinion; Los Angeles County Superior Court; TA138556.) Petition for review after the Court of Appeal remanded for resentencing and otherwise affirmed a judgment of conviction of criminal offenses.

#20-17 *People v. Yanez*, S258958. (H044528; nonpublished opinion; Santa Clara County Superior Court; C1518651.) Petition for review after the Court of Appeal reversed a judgment of conviction of criminal offenses.

The court ordered briefing in *Anderson* and *Yanez* 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?

#20-18 *Gonzales v. San Gabriel Transit, Inc.*, S259027. (B282377; 40 Cal.App.5th 1131; Los Angeles County Superior Court; BC536584.) Petition for review after the Court of Appeal reversed an order denying class certification in a civil action. The court ordered briefing deferred pending decision in *Vazquez v. Jan-Pro Franchising International, Inc.*, S258191 (#19-184), which presents the following question: Does the decision in *Dynamex Operations West Inc. v. Superior Court* (2018) 4 Cal.5th 903, apply retroactively?

#20-19 *In re Jones*, S259606. (E072147; nonpublished opinion; Riverside County Superior Court; HEF001922.) 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?

#20-20 *People v. Pool*, S259094. (H045567; nonpublished opinion; Santa Clara County Superior Court; C1769254.) Petition for review after the Court of Appeal conditionally reversed and remanded for the trial court to consider whether to grant diversion under Penal Code section 1001.36 and, if not, to reinstate judgment. The court ordered briefing deferred pending decision in *People v. Frahs*, S252220 (#18-175), which presents the following issues: (1) Does Penal Code section 1001.36 apply retroactively to all cases in which the judgment is not yet final? (2) Did the Court of Appeal err by remanding for a determination of defendant's eligibility under Penal Code section 1001.36?

#

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.