



Supreme Court of California
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NEWS RELEASE

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FOR IMMEDIATE RELEASE

January 15, 2016

Summary of Cases Accepted and Related Actions During Week of January 11, 2016

[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.]

#16-01 *County of Los Angeles v. Financial Casualty & Surety Inc.*, S230213.

(B257660; 240 Cal.App.4th 535; Los Angeles County Superior Court; SJ3898.) Petition for review after the Court of Appeal affirmed an order granting a motion to vacate the forfeiture of a bail bond in a criminal case. The court limited review to the following issue: Does the authority granted a jailer under Penal Code section 1269b “to set the time and place for the appearance of the arrested person before the appropriate court and give notice thereof” make the appearance in that court on that date “lawfully required” for purposes of forfeiting bail under Penal Code section 1305, subdivision (a)(4)?

#16-02 *People v. Reese*, S230259. (B253610; 240 Cal.App.4th 592; Los Angeles County Superior Court; TA125272.) Petition for review after the Court of Appeal modified and affirmed a judgment of conviction of criminal offenses. The court limited review to the following issue: Did the trial court violate defendant’s constitutional right to equal protection of the laws when it denied defendant’s request for transcripts of the opening statements and closing arguments from defendant’s first trial, which ended in a mistrial?

#16-03 *People v. Chiang*, S230961. (H040838; nonpublished opinion; Santa Clara County Superior Court; C1361412.) Petition for review after the Court of Appeal modified and affirmed a judgment of conviction of a criminal offense. The court ordered briefing deferred pending decision in *In re A.S.*, S220280 (#14-111), and *People v. Hall*, S227193 (#15-157), which present the following issues: (1) Must no-contact probation conditions be modified to explicitly include a knowledge requirement? (2) Are probation conditions prohibiting defendant from: (a) “owning, possessing or having in his custody or control any handgun, rifle, shotgun or any firearm whatsoever or any weapon that can

be concealed on his person”; and (b) “using or possessing or having in his custody or control any illegal drugs, narcotics, narcotics paraphernalia without a prescription,” unconstitutionally vague? (3) Is an explicit knowledge requirement constitutionally mandated?

#16-04 *People v. Collins*, S230507. (H040380; nonpublished opinion; Santa Clara County Superior Court; C1230868.) Petition for review after the Court of Appeal modified and affirmed a judgment of conviction of a criminal offense. The court ordered briefing deferred pending decision in *People v. Friday*, S218288 (#14-77), *People v. Garcia*, S218197 (#14-78), and *People v. Klatt*, 218755 (#14-79), which present the following issue: Are the conditions of probation mandated by Penal Code section 1203.067, subdivision (b), for persons convicted of specified felony sex offenses — including waiver of the privilege against self-incrimination, required participation in polygraph examinations, and waiver of the psychotherapist–patient privilege — constitutional?

#16-05 *People v. Edward*, S230685. (B257940; nonpublished opinion; Los Angeles County Superior Court; BA180721.) Petition for review after the Court of Appeal affirmed an order denying a petition to recall sentence.

#16-06 *People v. Garcia*, S230611. (F068019; nonpublished opinion; Kern County Superior Court; SC060951A.) Petition for review after the Court of Appeal affirmed an order denying a petition to recall sentence.

#16-07 *People v. Higginbotham*, S230803. (D065536; nonpublished opinion; San Diego County Superior Court; SCE180353.) Petition for review after the Court of Appeal affirmed an order denying a petition to recall sentence.

#16-08 *People v. Scott*, S231103. (H040176; nonpublished opinion; Santa Clara County Superior Court; 179796.) Petition for review after the Court of Appeal affirmed an order denying a petition to recall sentence.

#16-09 *People v. Singson*, S230880. (B259573; nonpublished opinion; Santa Barbara County Superior Court; 222551.) Petition for review after the Court of Appeal affirmed an order denying a petition to recall sentence.

The court ordered briefing in *Edward*, *Garcia*, *Higginbotham*, *Scott*, and *Singson* deferred pending decision in *People v. Chaney*, S223676 (#15-13), and *People v. Valencia*, S223825 (#15-14), which present the following issue: Does the definition of “unreasonable risk of danger to public safety” (Pen. Code, § 1170.18, subd. (c)) under Proposition 47 (“the Safe Neighborhoods and Schools Act”) apply on retroactivity or

other grounds to resentencing under the Three Strikes Reform Act of 2012 (Pen. Code, § 1170.126)?

#16-10 *People v. Garcia*, S230616. (E059452; 240 Cal.App.4th 1282; Riverside County Superior Court; 230616INF1100102.) Petition for review after the Court of Appeal modified and affirmed a judgment of conviction of criminal offenses.

#16-11 *People v. Ruiz*, S230325. (H040242; nonpublished opinion; Monterey County Superior Court; SS092453.) Petition for review after the Court of Appeal affirmed judgments of conviction of criminal offenses.

#16-12 *People v. Weisner*, S230011. (B251312; nonpublished opinion; Los Angeles County Superior Court; BA382741.) Petition for review after the Court of Appeal affirmed judgments of conviction of criminal offenses.

The court ordered briefing in *Garcia*, *Ruiz*, and *Weisner* deferred pending decision in *People v. Franklin*, S217699 (#14-56), which includes the following issues: (1) Is a total term of imprisonment of 50 years to life for murder committed by a 16-year-old offender the functional equivalent of life without possibility of parole by denying the offender a meaningful opportunity for release on parole? (2) If so, does the sentence violate the Eighth Amendment absent consideration of the mitigating factors for juvenile offenders set forth in *Miller v. Alabama* (2012) 567 U.S. __ [132 S.Ct. 2455]? (3) Did Senate Bill 260 (Reg. Sess. 2013-2014), which includes provisions for a parole suitability hearing after a maximum of 25 years for most juvenile offenders serving life sentences, render moot any claim that such a sentence violates the Eighth Amendment?

#16-13 *People v. Lightle*, S229934. (C077831; nonpublished opinion; Siskiyou County Superior Court; MCYKCRF1412, MCYKCRF14047.) 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. DeHoyos*, S228230 (#15-171), which presents the following issue: Does the Safe Neighborhood and Schools Act [Proposition 47] (Gen. Elec. (Nov. 4, 2014)), which made specified crimes misdemeanors rather than felonies, apply retroactively to a defendant who was sentenced before the Act's effective date but whose judgment was not final until after that date?

#16-14 *People v. Madrigal*, S230544. (B254702; nonpublished opinion; vent; Ventura County Superior Court; 2013023115.) Petition for review after the Court of Appeal affirmed a judgment of conviction of criminal offenses.

#16-15 *People v. Molina*, S230493. (C071453; nonpublished opinion; San Joaquin County Superior Court; LF011371A.) Petition for review after the Court of Appeal affirmed a judgment of conviction of criminal offenses.

#16-16 *People v. Perez*, S230408. (H039349; nonpublished opinion; Santa Clara County Superior Court; CC956273.) Petition for review after the Court of Appeal affirmed a judgment of conviction of a criminal offense.

The court ordered briefing in *Madrigal*, *Molina*, and *Perez* deferred pending decision in *People v. Sanchez*, S216681 (#14-47), which presents the following issue: Was defendant's Sixth Amendment right to confrontation violated by the gang expert's reliance on testimonial hearsay (*Crawford v. Washington* (2004) 541 U.S. 36)?

#16-17 *Persolve v. Szanto*, S231036. (G052515; nonpublished order; Orange County Superior Court; 30-2013-00626119.) Petition for review after the Court of Appeal dismissed an appeal in a civil action. The court ordered briefing deferred pending decision in *John v. Superior Court*, S222726 (#15-09), which presents the following issue: Must a defendant who has been declared a vexatious litigant and is subject to a prefilng order (Code Civ. Proc., § 391.7, subd. (a)) obtain leave of the presiding judge or justice before filing an appeal from an adverse judgment?

#16-18 *Young's Market Company v. Superior Court*, S230808. (D068213; 242 Cal.App.4th 356; San Diego County Superior Court; 37-2015-00007265-CU-PT-CLT.) Petition for review after the Court of Appeal affirmed an order granting a petition for precondemnation entry. The court ordered briefing deferred pending decision in *Property Reserve v. Superior Court*, S217738 (#14-65), which presents the following issues: (1) Do the geological testing activities proposed by the Department of Water Resources constitute a taking? (2) Do the environmental testing activities set forth in the February 22, 2011, entry order constitute a taking? (3) If so, do the precondemnation entry statutes (Code Civ. Proc., §§ 1245.010-1245.060) provide a constitutionally valid eminent domain proceeding for the taking?

DISPOSITION

Review in the following case was dismissed:

#15-19 *Gomez v. Superior Court*, S223799.

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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.