



Supreme Court of California  
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**NEWS RELEASE**

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**FOR IMMEDIATE RELEASE**

April 21, 2017

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## Summary of Cases Accepted and Related Actions During Week of April 17, 2017

*[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.]*

**#17-134 *People v. Harris*, S240505.** (C081653; nonpublished opinion; San Joaquin County Superior Court; SC063562A, STKCRFE19980006425.) Petition for review after the Court of Appeal affirmed an order denying a petition to recall sentence. The court ordered briefing deferred pending decision in *People v. Valenzuela*, S232900 (#16-97), which presents the following issue: Is a defendant eligible for resentencing on the penalty enhancement for serving a prior prison term on a felony conviction after the superior court has reclassified the underlying felony as a misdemeanor under the provisions of Proposition 47?

**#17-135 *People v. Kennedy*, S240321.** (B264661; nonpublished opinion; Los Angeles County Superior Court; NA092421.) 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. Canizales*, S221958 (#14-134), which presents the following issue: Was the jury properly instructed on the “kill zone” theory of attempted murder?

**#17-136 *People v. Lowery*, S240615.** (H042551; 8 Cal.App.5th 533; Santa Clara County Superior Court; FF932426.) Petition for review after the Court of Appeal reversed an order denying a petition to recall sentence. The court ordered briefing deferred pending decision in *People v. Franco*, S233963 (#16-218), which presents the following issue: For the purpose of the distinction between felony and misdemeanor forgery, is the value of an uncashed forged check the face value (or stated value) of the check or only the intrinsic value of the paper it is printed on?

**DISPOSITION**

The following matter, in which this court agreed to decide a question of California law, was dismissed in light of the dismissal of the appeal in the underlying action by the United State Court of Appeals for the Second Circuit:

***#16-311 Migdal Insurance Co. v. Insurance Co. of the State of Pennsylvania, S236177.***

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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.*