



Supreme Court of California
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NEWS RELEASE

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FOR IMMEDIATE RELEASE

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Summary of Cases Accepted and Related Actions During Week of May 23, 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.]

#16-180 *Bianka M. v. Superior Court*, S233757. (B267454; 245 Cal.App.4th 406; Los Angeles County Superior Court; BF052072.) Petition for review after the Court of Appeal denied a petition for peremptory writ of mandate. This case presents the following issue: Did the trial court err in denying petitioner's request for an order making findings concerning Special Immigrant Juvenile status (8 U.S.C. §1101(a)(27)(J); see Code Civ. Proc., § 155) and placing her in her mother's sole legal and physical custody?

#16-181 *In re A.S.*, S233932. (A144487; 245 Cal.App.4th 758, Alameda County Superior Court; SJ14024003.) Petition for review after the Court of Appeal modified and affirmed orders in a juvenile wardship proceeding.

#16-182 *People v. Vasquez*, S233855. (H039956; nonpublished opinion; Monterey County Superior Court; SS130821.) Petition for review after the Court of Appeal affirmed a judgment of conviction of a criminal offense.

The court ordered briefing deferred in *A.S.* and *Vasquez* pending decision in *In re Ricardo P.*, S230923 (#16-41), which presents the following issue: Did the trial court err imposing an "electronics search condition" on minor as a condition of his probation when it had no relationship to the crimes he committed but was justified on appeal as reasonably related to future criminality under *People v. Olguin* (2008) 45 Cal.4th 375 because it would facilitate his supervision?

#16-183 *People v. Bell*, S234017. (E063018; nonpublished opinion; Riverside County Superior Court; RIF1205134, RIF1300396.) Petition for review after the Court of Appeal affirmed an order granting a motion to recall sentence. The court ordered briefing

deferred pending decision in *Harris v. Superior Court*, S231489 (#16-60), which presents the following issues: (1) Are the People entitled to withdraw from a plea agreement for conviction of a lesser offense and to reinstate any dismissed counts if the defendant files a petition for recall of sentence and reduction of the conviction to a misdemeanor under Proposition 47? (2) If the defendant seeks such relief, are the parties returned to the status quo with no limits on the sentence that can be imposed on the ground that the defendant has repudiated the plea agreement by doing so?

#16-184 *People v. Casias*, S233979. (H042065; nonpublished opinion; Santa Clara County Superior Court; C1369155.) Petition for review after the Court of Appeal affirmed an order denying a petition to recall sentence.

#16-185 *People v. Gomez*, S233849. (E062867; nonpublished opinion; San Bernardino County Superior Court; FSB1402290.) Petition for review after the Court of Appeal affirmed an order denying a petition to recall sentence.

The court ordered briefing in *Casias* and *Gomez* deferred pending decision in *People v. Page*, S230793 (#16-28), which presents the following issue: Does Proposition 47 (“the Safe Neighborhoods and Schools Act”) apply to the offense of unlawful taking or driving a vehicle (Veh. Code, § 10851), because it is a lesser included offense of Penal Code section 487, subdivision (d), and that offense is eligible for resentencing to a misdemeanor under Penal Code sections 490.2 and 1170.18?

#16-186 *People v. Fernandez*, S233986. (B266087; nonpublished opinion; Los Angeles County Superior Court; VA138442.) Petition for review after the Court of Appeal affirmed an order denying a petition to recall sentence.

#16-187 *People v. Santamaria*, S233904. (D068307; nonpublished opinion; San Diego; SCD254710.) Petition for review after the Court of Appeal affirmed an order denying a petition to recall sentence.

The court ordered briefing in *Fernandez* and *Santamaria* deferred pending decision in *People v. Romanowski*, S231405 (#16-24), which present the following issue: Does Proposition 47 (“the Safe Neighborhoods and Schools Act”), which reclassifies as a misdemeanor any grand theft involving property valued at \$950 or less (Pen. Code, § 490.2), apply to theft of access card information in violation of Penal Code section 484e, subdivision (d)?

#16-188 *People v. Gutierrez*, S233295. (B250333; nonpublished opinion; Los Angeles County Superior Court; BA388274.) Petition for review after the Court of Appeal affirmed judgments of conviction of criminal offenses.

#16-189 *People v. Morales*, S233255. (B253249; nonpublished opinion; Los Angeles; KA098830.) Petition for review after the Court of Appeal affirmed in part and reversed in part judgments of conviction of criminal offenses.

The court ordered briefing in *Gutierrez* and *Morales* deferred pending decision in *People v. Mateo*, S232674 (#16-147), which presents the following issue: 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) ___ U.S. ___ [113 S.Ct. 2151] and *People v. Chiu* (2014) 59 Cal.4th 155?

#16-190 *People v. Herrera*, S233569. (E062184; nonpublished opinion; Riverside County Superior Court; SWF1303051.) Petition for review after the Court of Appeal affirmed in part and reversed in part a judgment of conviction of criminal offenses. 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?

#16-191 *People v. Louder*, S233865. (B265170; nonpublished opinion; Los Angeles County Superior Court; TA105295.) Petition for review after the Court of Appeal affirmed an order denying a post-conviction motion for resentencing. 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?

#16-192 *People v. Myers*, S233937. (C078277; 245 Cal.App.4th 794; Siskiyou County Superior Court; SCSCCRF980001508.) Petition for review after the Court of Appeal affirmed an order denying a petition to recall sentence. The court ordered briefing in 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)?

#16-193 *People v. Stewart*, S233478. (D067967, D068285, D068374, D068376; nonpublished opinion; San Diego County Superior Court; SCN319583, SCE332010, SCD235396, SCD236431.) Petition for review after the Court of Appeal affirmed orders denying petitions to recall sentence.

#16-194 *People v. Valencia*, S233402. (C079394; 245 Cal.App.4th 730; Tehama County Superior Court; NCR91525.) Petition for review after the Court of Appeal reversed an order denying a petition to recall sentence.

The court ordered briefing in *Stewart* and *Valencia* deferred pending decision in *People v. Gonzales*, S231171 (#16-39), which presents the following issue: Was defendant entitled to resentencing under Penal Code section 1170.18 on his conviction for second degree burglary either on the ground that it met the definition of misdemeanor shoplifting (Pen. Code, § 459.5) or on the ground that section 1170.18 impliedly includes any second degree burglary involving property valued at \$950 or less?

#16-195 *People v. Strickland*, S233933. (C078578; nonpublished opinion; Yuba County Superior Court; CRF14609.) Petition for review after the Court of Appeal affirmed a judgment of conviction of a criminal offense. The court ordered briefing deferred pending decision in *People v. Buycks*, S231765 (#16-19), which presents the following issue: Was defendant eligible for resentencing on the penalty enhancement for committing a new felony while released on bail on a drug offense even though the superior court had reclassified the conviction for the drug offense as a misdemeanor under the provisions of Proposition 47?

STATUS

#15-235 *Robinson v. Lewis*, S228137. The court ordered the question of California law presented in a matter pending in the United States Court of Appeals for the Ninth Circuit restated as follows: “When a California court denies a claim in a petition for writ of habeas corpus, and the petitioner subsequently files the same or a similar claim in a petition for writ of habeas corpus directed to the original jurisdiction of a higher court, what is the significance, if any, of the period of time between the earlier petition’s denial and the subsequent petition’s filing (66 days in this case) for the purpose of determining the subsequent claim’s timeliness under California law?”

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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.