



Supreme Court of California  
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**NEWS RELEASE**

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**FOR IMMEDIATE RELEASE**

June 17, 2016

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## Summary of Cases Accepted and Related Actions During Week of June 13, 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.]*

**#16-218 *People v. Franco*, S233973.** (B260447; 245 Cal.App.4th 679; Los Angeles County Superior Court; VA125859.) Petition for review after the Court of Appeal affirmed a judgment of conviction of a criminal offense. This case 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?

**#16-219 *Rubinstein v. Doe No. 1*, S234269.** (D066722; 245 Cal.App.4th 1037; Imperial County Superior Court; ECU08107.) Petition for review after the Court of Appeal reversed the judgment in a civil action. This case presents the following issues: (1) Does the delayed discovery rule in Code of Civil Procedure section 340.1 apply to the accrual of a cause of action against a public entity for purposes of determining the time within which a claim under the Government Claims Act must be made? (2) Does Government Code section 905, subdivision (m), apply to childhood sexual abuse causes of action based on conduct occurring before January 1, 2009?

**#16-220 *People v. Bartlett*, S233944.** (G051386; nonpublished opinion; Orange County Superior Court; 14NF4151.) Petition for review after the Court of Appeal affirmed an order granting in part and denying a part a petition to recall sentence. The court ordered briefing deferred pending decision in *People v. Page*, S230793 (#16-28), which concerns the application of Proposition 47 to the offense of unlawful taking or driving a vehicle, and *People v. Romanowski*, S231405 (#16-24), which concerns the application of Proposition 47 to theft-related offenses such as theft of access card information.

**#16-221 *People v. Byrd*, S233480.** (C078403; nonpublished opinion; Placer County Superior Court; 62132801.) Petition for review after the Court of Appeal affirmed a judgment of conviction of a criminal offense.

**#16-222 *People v. Ward*, S233871.** (D069303, D069304; nonpublished opinion; Riverside County Superior Court; BAF1200723.) Petition for review after the Court of Appeal modified and affirmed judgments of conviction of criminal offenses.

The court ordered briefing in *Byrd* and *Ward* 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?

**#16-223 *People v. Martinez*, S234418.** (B262733; nonpublished opinion; Los Angeles County Superior Court; NA089993.) 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. 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)?

**#16-224 *People v. Stine*, S234320.** (B264877; nonpublished opinion; Ventura County Superior Court; 2012002600.) Petition for review after the Court of Appeal affirmed an order granting a petition to recall sentence. The court ordered briefing deferred pending decision in *People v. Morales*, S228030 (#15-156), which presents the following issue: Can excess custody credits be used to reduce or eliminate the one-year parole period required by Penal Code section 1170.18, subdivision (d), upon resentencing under Proposition 47?

## DISPOSITIONS

Review in the following case was dismissed as moot:

**#15-94 *People v. Ingram*, S225631.**

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

**#15-141 *Gradillas v. Lincoln General Ins. Co., S227632.*****STATUS**

**#15-68 *People v. Superior Court (Smith), S225562.*** The court invited petitioner to file a supplemental letter brief addressing the following issues: (1) Would application of Welfare and Institutions Code section 6603, subdivision (j) (hereafter section 6603(j)) (added to the code by Stats. 2015, ch. 576, § 1), to this case violate real party in interest Richard Anthony Smith's right to equal protection of the laws by treating him differently from mentally disordered offenders (see Pen. Code, § 2960 et seq.) and mentally disordered sex offenders (see Welf. & Inst. Code, § 6300 et seq.)? (2) Assuming no meritorious equal protection problem exists, can section 6603(j) be applied to this case despite the fact that the case arose before section 6603 was amended to add subdivision (j)? (3) Assuming no meritorious equal protection or retroactivity problem exists, is the disclosure authorized by section 6603(j) limited to medical and mental health treatment records used or relied upon in performing an updated evaluation under Welfare and Institutions Code section 6603, subdivision (c), or is disclosure also authorized for records underlying an initial or replacement evaluation? (4) Assuming no meritorious equal protection or retroactivity problem exists, inasmuch as section 6603(j) states the treatment records can be disclosed only to the "the attorney petitioning for commitment," and further provides "[t]he attorneys may use the records in proceedings under this article *and shall not disclose them for any other purpose*" (italics added), can the Orange County District Attorney share the disclosed the information with its hired expert witness?

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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.*