



Supreme Court of California  
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**NEWS RELEASE**

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**FOR IMMEDIATE RELEASE**

June 30, 2017

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## Summary of Cases Accepted and Related Actions During Week of June 26, 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.]*

**#17-202 *Jarman v. HCR Manor Care, Inc., S241431.*** (G051086; 9 Cal.App.5th 807; Riverside County Superior Court; RIC10007764.) Petition for review after the Court of Appeal affirmed in part and reversed in part the judgment in a civil action. This case presents the following issues: (1) Does Health and Safety Code section 1430, subdivision (b), authorize a maximum award of \$500 per “cause of action” in a lawsuit against a skilled nursing facility for violation of specified rights or only \$500 per lawsuit? (2) Does section 1430, subdivision (b), authorize an award of punitive damages in such an action?

**#17-203 *People v., Bryant, S241937.*** (B271300; 10 Cal.App.5th 396, mod. 11 Cal.App.5th 343a; GA094777.) Petition for review after the Court of Appeal modified and affirmed a judgment of conviction of a criminal offense.

**#17-204 *People v. Newsome, S242048.*** (F072825; nonpublished opinion; Fresno County Superior Court; F15905797.) Petition for review after the Court of Appeal affirmed a judgment of conviction of a criminal offense.

The court ordered briefing in *Bryant* and *Newsome* deferred 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?

**#17-205 *People v. Estrada, S241700.*** (H272129; nonpublished opinion; Los Angeles County Superior Court; BA164435.) 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. 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)?

**#17-206 *In re S.B.*, S242177.** (A145488; nonpublished opinion; Contra Costa County Superior Court; J1301068.) 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 *In re C.B.*, S237801 (#16-384), and *In re C.H.*, S237762 (#16-395), which present the following issues: Did the trial court err by refusing to order the expungement of juvenile’s DNA record after his qualifying felony conviction was reduced to a misdemeanor under Proposition 47 (Pen. Code § 1170.18)? Does the retention of juvenile’s DNA sample violate equal protection because a person who committed the same offense after Proposition 47 was enacted would be under no obligation to provide a DNA sample?

## DISPOSITIONS

Review in the following cases, which were granted and held for *People v. Gonzales* (2017) 2 Cal.5th 858, was dismissed:

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| <b>#16-103 <i>People v. Vargas</i>, S232673.</b>   | <b>#16-342 <i>People v. Sherow</i>, S236251.</b>   |
| <b>#16-149 <i>People v. Root</i>, S233546.</b>     | <b>#16-364 <i>People v. Abarca</i>, S237106.</b>   |
| <b>#16-194 <i>People v. Valencia</i>, S233402.</b> | <b>#16-365 <i>People v. Castillo</i>, S237104.</b> |
| <b>#16-257 <i>People v. Oregon</i>, S235026.</b>   | <b>#16-374 <i>People v. Garner</i>, S237279.</b>   |
| <b>#16-266 <i>People v. Moore</i>, S235391.</b>    | <b>#16-409 <i>People v. Huberty</i>, S237914.</b>  |
| <b>#16-283 <i>People v. McNulty</i>, S235695.</b>  | <b>#17-26 <i>People v. Roddy</i>, S238708.</b>     |
| <b>#16-300 <i>People v. Garrett</i>, S236012.</b>  | <b>#17-27 <i>People v. Swann</i>, S238651.</b>     |
| <b>#16-327 <i>People v. Smith</i>, S236112.</b>    | <b>#17-59 <i>People v. Jordan</i>, S239405.</b>    |

The following cases were transferred for reconsideration in light of *People v. Gonzales* (2017) 2 Cal.5th 858:

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| <i>#16-75 People v. Greenblat, S231976.</i> | <i>#16-242 People v. Oviedo, S234967.</i>   |
| <i>#16-76 People v. Ramirez, S232201.</i>   | <i>#16-294 People v. Simon, S235879.</i>    |
| <i>#16-108 People v. Barba, S232534.</i>    | <i>#16-307 People v. Gallegos, S236127.</i> |
| <i>#16-137 People v. Carrillo, S233192.</i> | <i>#17-88 People v. Gittens, S239936.</i>   |
| <i>#16-148 People v. Bias, S233634.</i>     | <i>#17-89 People v. Goldsmith, S239978.</i> |
| <i>#16-193 People v. Stewart, S233478.</i>  | <i>#17-90 People v. Jorgensen, S239471.</i> |
| <i>#16-241 People v. Dool, S234972.</i>     | <i>#17-91 People v. Granados, S239715.</i>  |

The following case was transferred for reconsideration in light of *People v. Gonzales* (2017) 2 Cal.5th 858:

*#17-60 People v. Martin, S239205.* The Reporter of Decisions was directed not to publish in the Official Appellate Reports the Court of Appeal opinion in this matter filed December 12 , 2016, which appears at 6 Cal.App.5th 666.

## STATUS

*#16-327 People v. Hamilton, S236490.* In this case, in which briefing was previously deferred pending decision in *People v. Gonzales* (2017) 2 Cal.5th 858, 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?

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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.*