



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 August 29, 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.]

#16-303 *Heller Ehrman LLP v. Davis Wright Tremaine LLP*, S236208. (9th Cir. Nos. 14-16314, 14-16315, 14-16317, 14-16318; ___ F.3d ___, 2016 WL 4011194; Northern District of California; Nos. 3:14-cv-01236-CRB, 3:14-cv-01237-CRB, 3:14-cv-01238-CRB, 3:14-cv-01239-CRB.) Request under California Rules of Court, rule 8.548, that this court decide questions of California law presented in a matter pending in the United States Court of Appeals for the Ninth Circuit. As restated by the court, the question presented is: “Under California law, what interest, if any, does a dissolved law firm have in legal matters that are in progress but not completed at the time the law firm is dissolved, when the dissolved law firm had been retained to handle the matters on an hourly basis?”

#16-304 *People v. Cordova*, S236179. (H041050; 248 Cal.App.4th 543; Santa Clara County Superior Court; 185632.) Petition for review after the Court of Appeal reversed an order denying a petition to recall sentence.

#16-305 *People v. Montano*, S236190. (B265307; nonpublished opinion; Los Angeles County Superior Court; PA027859.) Petition for review after the Court of Appeal affirmed an order denying a petition to recall sentence.

The court ordered briefing in *Cordova* and *Montano* 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)?

#16-306 *Davis v Superior Court, S236175.* (B264734; nonpublished opinion; Los Angeles County Superior Court; GA095546.) Petition for review after the Court of Appeal denied a petition for writ of mandate. The court ordered briefing deferred pending decision in *People v. Romanowski, S231405* (#16-24), , which concerns the application of Proposition 47 to theft-related offenses such as theft of access card information, and *Caretto v. Superior Court, S235419* (#16-268), which concerns how to determine the value of a stolen debit card for the purpose of distinguishing between misdemeanor and felony receiving stolen property.

#16-307 *People v. Gallegos, S236127.* (E063786; nonpublished opinion; Riverside County Superior Court; SWF1101186.) 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. 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?

#16-308 *People v. Gonzalez, S236122.* (E063503; nonpublished opinion; San Bernardino County Superior Court; FVI1201868.) 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)?

#16-309 *People v. Mumin, S236180.* (B263978; nonpublished opinion; Los Angeles County Superior Court; NA088660.) Petition for review after the Court of Appeal affirmed an order denying a petition to recall sentence.

#16-310 *People v. Rumley, S236261.* (F071636, F071666; nonpublished opinion; Fresno County Superior Court; CF04909092, F13905022.) Petition for review after the Court of Appeal affirmed an order granting a petition to recall sentence.

The court ordered briefing in *Mumin* and *Rumley* 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?

DISPOSITIONS

Review in the following case, which was granted and held for *Flores v. Presbyterian Intercommunity Hospital* (2016) (2016) 63 Cal.4th 75, was dismissed:

#15-117 Pouzbaris v. Prime Healthcare Services-Anaheim, LLP, S226846.

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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.