



Supreme Court of California
350 McAllister Street, San Francisco, CA 94102-4797
www.courts.ca.gov/supremecourt

NEWS RELEASE

Contact: [Cathal Conneely](mailto:Cathal.Conneely@courts.ca.gov), 415-865-7740

FOR IMMEDIATE RELEASE

October 28, 2016

Summary of Cases Accepted and Related Actions During Week of October 24, 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.]

#16-373 *People v. Carrillo*, S237369. (G050784; nonpublished opinion; Orange County Superior Court; 06NF3068.) Petition for review after the Court of Appeal modified judgment and 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)?

#16-374 *People v. Garner*, S237279. (B266881; 2 Cal.App.5th 768; Los Angeles County Superior Court; MA037067.) 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. 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?

#16-375 *People v. Hernandez*, S237328. (E064315; nonpublished opinion; San Bernardino County Superior Court; FSB1303494.) Petition for review after the Court of Appeal affirmed an order denying a petition to recall sentence.

#16-376 *People v. Valdez*, S237280. (E065045; nonpublished opinion; San Bernardino County Superior Court; FVI018351.) Petition for review after the Court of Appeal affirmed an order denying a petition to recall sentence.

The court ordered briefing in *Hernandez* and *Valdez* 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)?

#16-377 *People v. Hudson*, S237340. (D068439; 2 Cal.App.5th 575; San Diego County Superior Court; SCE314973.) 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. 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?

#16-378 *People v. Leyva*, S237394. (G051525; nonpublished opinion; Orange County Superior Court County Superior Court; 12NF0574, 14NF1396.) Petition for review after the Court of Appeal affirmed orders denying petitions to recall sentence. The court ordered briefing deferred pending decision in *People v. Romanowski*, S231405 (#16-24), which concerns the application of Proposition 47 (“the Safe Neighborhoods and Schools Act”) to theft of access card information in violation of Penal Code section 484e, subdivision (d), and *Caretto v. Superior Court*, S235419 #16-268, which concerns the value of an unused stolen debit card for the purpose of distinguishing between misdemeanor and felony receiving stolen property in violation of Penal Code section 496, subdivision (a).

#16-379 *People v. McNair*, S237370. (B267657; nonpublished opinion; Los Angeles County Superior Court; NA083700.) 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. 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?

#16-380 *People v. Quirino*, S237307. (G050926; nonpublished opinion; Orange County Superior Court; 14CF1858.) Petition for review after the Court of Appeal affirmed in part and reversed in part a judgment of conviction of criminal offenses.

#16-381 *People v. Tapia*, S237392. (F071147; nonpublished opinion; Kern County Superior Court; BF158485A.) Petition for review after the Court of Appeal affirmed a judgment of conviction of a criminal offense.

The court ordered briefing in *Quinine* and *Tapia* 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

The following cases were transferred for reconsideration in light of *In re Isaiah W.* (2016) 1 Cal.5th 1:

#16-121 *In re J.B.*, S232895.

#16-150 *In re F.T.*, S233479.

#16-151 *In re R.R.*, S233253.

###

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.