



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 December 7, 2015

*[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.]*

**#15-223 *People v. Armogeda*, S230374.** (G051197; 240 Cal.App.4th 1039; Orange County Superior Court; 11WF0192.) Petition for review after the Court of Appeal affirmed in part and reversed in part a post-conviction resentencing order.

**#15-224 *People v. Neuman*, S230308.** (B236311; nonpublished opinion; Ventura County Superior Court; 2009020448.) Petition for review after the Court of Appeal affirmed a post-conviction resentencing order.

The court ordered briefing in *Armogeda* and *Neuman* 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?

**#15-225 *California Native Plant Society v. County of Los Angeles*, S230336.** (B258090; nonpublished opinion; Los Angeles County Superior Court; BS138001.) The court ordered briefing deferred pending finality of the decision in *Center for Biological Diversity v. California Department of Fish and Wildlife* (Nov. 30, 2015, S217763) \_\_ Cal.4th \_\_, 2015 WL 7708312, which addressed issues under the California Environmental Quality Act (Pub. Resources Code, § 21000 et seq.).

**#15-226 *People v. Castaneda*, S229288.** (B249571; nonpublished opinion; Santa Barbara County Superior Court; 1362689.) Petition for review after the Court of Appeal modified and affirmed judgments of conviction of criminal offenses.

**#15-227 *People v. Lara*, S229924.** (B258181; nonpublished opinion; Los Angeles County Superior Court; GA072069.) Petition for review after the Court of Appeal affirmed judgments of conviction of criminal offenses.

**#15-228 *People v. Rigmaden*, S229940.** (C071533; nonpublished opinion; San Joaquin County Superior Court; SF116112A.) Petition for review after the Court of Appeal affirmed a judgment of conviction of criminal offenses.

The court ordered briefing deferred in *Castaneda*, *Lara*, and *Rigmaden* pending decision in *People v. Franklin*, S217699 (#14-56), which includes the following issues: (1) Is a total term of imprisonment of 50 years to life for murder committed by a 16-year-old offender the functional equivalent of life without possibility of parole by denying the offender a meaningful opportunity for release on parole? (2) If so, does the sentence violate the Eighth Amendment absent consideration of the mitigating factors for juvenile offenders set forth in *Miller v. Alabama* (2012) 567 U.S. \_\_ [132 S.Ct. 2455]? (3) Did Senate Bill 260 (Reg. Sess. 2013-2014), which includes provisions for a parole suitability hearing after a maximum of 25 years for most juvenile offenders serving life sentences, render moot any claim that such a sentence violates the Eighth Amendment?

**#15-229 *People v. Jackson*, S230292.** (D065962; nonpublished opinion; San Diego County Superior Court; CD189406.) 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)?

**#15-230 *In re Jonathan L.*, S230301.** (A143437; nonpublished opinion; Contra Costa County Superior Court; J0701890.) Petition for review after the Court of Appeal affirmed in part and reversed in part orders in a juvenile dependency proceeding. The court ordered briefing deferred pending decision in *People v. Hall*, S227193 (#15-157), which presents the following issues: (1) Are probation conditions prohibiting defendant from: (a) “owning, possessing or having in his custody or control any handgun, rifle, shotgun or any firearm whatsoever or any weapon that can be concealed on his person”; and (b) “using or possessing or having in his custody or control any illegal drugs, narcotics, narcotics paraphernalia without a prescription,” unconstitutionally vague? (2) Is an explicit knowledge requirement constitutionally mandated?

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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.*