



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 January 8, 2018

[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.]

#18-01 *Christensen v. Lightbourne, S245395.* (A144254; 15 Cal.App.5th 1239; San Francisco County Superior Court; CPF12512070.) Petition for review after the Court of Appeal reversed the judgment in an action for writ of administrative mandate. This case presents the following issues: (1) Should court-ordered child support payments for children living outside the home be considered income available to children in the home in determining eligibility for CalWORKs aid? (2) When garnished child support is the direct or indirect income of children outside the home who are receiving CalWORKs aid, does the state violate Welfare and Institutions Code section 11005.5 when it allows the garnished income to also be considered in determining the amount of aid to the paying family?

#18-02 *Melendez v. San Francisco Baseball Associates LLC, S245607.* (A149482; 16 Cal.App.5th 339; San Francisco County Superior Court; CGC13530672, CGC15549146.) Petition for review after the Court of Appeal reversed an order denying a motion to compel arbitration in a civil action. The court limited review to the following issue: Does plaintiffs' statutory wage claim under Labor Code section 201 require the interpretation of a collective bargaining agreement, and is it therefore preempted by section 301 of the Labor Management Relations Act?

#18-03 *People v. Barnes, S245561.* (D071301; nonpublished opinion; San Diego County Superior Court; SCD257049.) Petition for review after the Court of Appeal affirmed a judgment of conviction of a criminal offense.

#18-04 *People v. Lyons, S245769.* (D070976; nonpublished opinion; San Diego County Superior Court; SCD266812.) Petition for review after the Court of Appeal affirmed a judgment of conviction of a criminal offense.

#18-05 *In re T.P., S245557.* (A147358; nonpublished opinion; Contra Costa County Superior Court; J1501108.) Petition for review after the Court of Appeal affirmed orders in a juvenile wardship proceeding.

The court ordered briefing in *Barnes, Lyons, and T.P.* 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?

#18-06 *People v. Coats, S245553.* (C081728; nonpublished opinion; Sacramento County Superior Court; 07F01689.) 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. Perez*, S238354 (#17-02), which presents the following issue: Did the Court of Appeal err when it failed to defer to the trial court’s factual finding that defendant did not use a deadly weapon during his previous assault and was therefore eligible for resentencing under the Three Strikes Reform Act of 2012 (Pen. Code, § 1170.126)?

#18-07 *People v. Epperson, S245034.* (F072174; nonpublished opinion; Kings County Superior Court; 14CM1949.) Petition for review after the Court of Appeal modified and affirmed a judgment of conviction of criminal offenses.

#18-08 *People v. Ramirez, S245171.* (B265610; nonpublished opinion; Los Angeles County Superior Court; VA130983.) Petition for review after the Court of Appeal affirmed a judgment of conviction of criminal offenses.

The court ordered briefing in *Epperson* and *Ramirez* deferred pending decision in *People v. Mateo*, S232674 (#16-147), which presents the following issue: In order to convict an aider and abettor of attempted willful, deliberate and premeditated murder under the natural and probable consequences doctrine, must a premeditated attempt to murder have been a natural and probable consequence of the target offense? In other words, should *People v. Favor* (2012) 54 Cal.4th 868 be reconsidered in light of *Alleyne v. United States* (2013) ___ U.S. ___ [113 S.Ct. 2151] and *People v. Chiu* (2014) 59 Cal.4th 155?

#18-09 *People v. Lopez, S245618.* (F073203; nonpublished opinion; Kern County Superior Court; FCR304930.) Petition for review after the Court of Appeal modified and affirmed a judgment of conviction of a criminal offense.

#18-10 *People v. Scherer, S245649.* (E065302; nonpublished opinion; Riverside County Superior Court; RIF1406545.) Petition for review after the Court of Appeal modified and affirmed a judgment of conviction of criminal offenses.

#18-11 *People v. Shackelford, S245768.* (F072964; nonpublished opinion; Fresno County Superior Court; F14907197.) Petition for review after the Court of Appeal modified and affirmed a judgment of conviction of criminal offenses.

#18-12 *People v. Underwood, S245833.* (C082647; nonpublished opinion; Yolo County Superior Court; CRF15287, CRF15288.) Petition for review after the Court of Appeal affirmed a judgment of conviction of criminal offenses.

The court ordered briefing in *Lopez, Scherer, Shackelford, and Underwood* deferred pending decision in *People v. Ruiz, S235556* (#16-312), which presents the following issue: May a trial court properly impose a criminal laboratory analysis fee (Health & Saf. Code, § 11372.5, subd. (a)) and a drug program fee (Health & Saf. Code, § 11372.7, subd. (a)) based on a defendant's conviction for conspiracy to commit certain drug offenses?

#18-13 *People v. Mize, S245503.* (C082928; nonpublished opinion; Siskiyou County Superior Court; MCYKCRBF201112632.) Petition for review after the Court of Appeal affirmed an order denying a petition to recall sentence.

#18-14 *People v. Sims, S245597.* (B272466; nonpublished opinion; Los Angeles County Superior Court; NA093791.) Petition for review after the Court of Appeal denied a petition for writ of habeas corpus.

The court ordered briefing in *Miza* and *Sims* 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?

#18-15 *People v. Reyes, S245643.* (B269741; nonpublished opinion; Los Angeles County Superior Court; BA425003.) Petitions for review after the Court of Appeal conditionally reversed and remanded a judgment of conviction of criminal offenses. The court ordered briefing deferred pending decision in *People v. Mendoza, S241647* (#17-208), which presents the following issue: Are the provisions of Proposition 57 that

eliminated the direct filing of certain juvenile cases in adult court applicable to cases not yet final on appeal?

#18-16 *People v. Robinson, S245116.* (G051906; nonpublished opinion; Orange County Superior Court; 08ZF0029.) Petition for review after the Court of Appeal affirmed in part and reversed in part a judgment of conviction of criminal offenses. The court ordered briefing deferred pending finality of decision in *People v. Hicks* (Dec. 28, 2017, S232218) __Cal.5th__, 2017 WL 6614837, which concerned whether to advise the jury at the retrial of charges not resolved in a prior trial of the verdict returned at that prior trial.

#18-17 *People v. Sullivan, S245810.* (A144708; nonpublished opinion; Sonoma County Superior Court; SCR593297.) 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. Colbert, S238954* (#17-50), which presents the following issue: Did defendant's entry into separate office areas of a commercial establishment that were off-limits to the general public constitute an "exit" from the "commercial" part of the establishment that precluded reducing his conviction for second degree burglary to misdemeanor shoplifting under Penal Code section 459.5?

#18-18 *People v. Thornburg, S245347.* (G053278; nonpublished opinion; Orange County Superior Court; 13HF2342.) Petition for review after the Court of Appeal modified and affirmed a judgment of conviction of criminal offenses. The court ordered briefing deferred pending decision in *People v. Buza, S223698* (#15-12), which presents the following issue: Does the compulsory collection of a biological sample from all adult felony arrestees for purposes of DNA testing (Pen. Code, §§ 296(a)(2)(C); 296.1(a)(1)(A)) violate the Fourth Amendment to the United States Constitution or article I, section 13, of the California Constitution?

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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.