



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 18, 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.]

#16-19 *People v. Buycks, S231765.* (B262023; 241 Cal.App.4th 519, 241 Cal.App.4th 1168e; Los Angeles County Superior Court; 097755.) Review on the court's own motion after the Court of Appeal reversed in part and affirmed in part a judgment of conviction of criminal offenses. The court limited review to 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?

#16-20 *People v. Cuen, S231107.* (G051368; 241 Cal.App.4th 1227, mod. 242 Cal.App.4th 415a; Orange County Superior Court; 14HF1375.) Petition for review after the Court of Appeal affirmed an order granting in part and denying in part a petition to recall sentence.

#16-21 *People v. Grayson, S231757.* (B262126; 241 Cal.App.4th 454; Los Angeles County Superior Court; NA099665.) Review on the court's own motion after the Court of Appeal affirmed an order denying a petition to recall sentence.

#16-22 *People v. Romanowski, S231405.* (B263164; 242 Cal.App.4th 151; Los Angeles County Superior Court; A064403.) Petition for review after the Court of Appeal reversed an order denying a petition to recall sentence.

Cuen, Grayson, and Romanowki 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)? The court ordered briefing in *Grayson* deferred pending decision in *Cuen* and *Romanowki*.

#16-23 *Regents of University of California v. Superior Court, S230568.* (B259424; 240 Cal.App.4th 1296; Los Angeles County Superior Court; SC108504.) Petition for review after the Court of Appeal granted a petition for peremptory writ of mandate. This case presents the following issue: Do California public institutions of higher education and their employees have a duty of care to their students while in the classroom to warn them of and protect them from foreseeable acts of violence by fellow students?

#16-24 *People v. Camarena, S230235.* (G049416; nonpublished opinion; Orange County Superior Court; 12CF2271.) Petition for review after the Court of Appeal affirmed a judgment of conviction of criminal offenses. The court ordered briefing deferred pending decision in *People v. Fuentes*, S219109 (#14-93), which presents the following issue: Does the trial court have the power under Penal Code section 1385 to dismiss a Penal Code section 186.22 enhancement for gang-related crimes, or is the court limited to striking the punishment for the enhancement in accordance with subdivision (g) of section 186.22?

#16-25 *People v. Motsenbocker, S231177.* (D064877; nonpublished opinion; San Diego County Superior Court; SCD241912.) 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. DeHoyos*, S228230 (#15-171), which presents the following issue: Does the Safe Neighborhood and Schools Act [Proposition 47] (Gen. Elec. (Nov. 4, 2014)), which made specified crimes misdemeanors rather than felonies, apply retroactively to a defendant who was sentenced before the Act's effective date but whose judgment was not final until after that date?

#16-26 *People v. Palomares, S230206.* (F066360, F066576; nonpublished opinion; Kern County Superior Court; BF135994A, BF135994C.) Petition for review after the Court of Appeal affirmed judgments of conviction of criminal offenses. The court ordered briefing deferred pending decision in *People v. Sanchez*, S216681 (#14-47), which presents the following issue: Was defendant's Sixth Amendment right to confrontation violated by the gang expert's reliance on testimonial hearsay (*Crawford v. Washington* (2004) 541 U.S. 36)?

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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.