



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 23, 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.]

#17-32 *People v. Arzate*, S238032. (B259259; nonpublished opinion; Los Angeles County Superior Court; BA396381.) Petition for review after the Court of Appeal modified and affirmed a judgment of conviction of criminal offenses. The court limited review to the following issue: Did *Montgomery v. Louisiana* (2016) 577 U.S. ___, 136 S.Ct. 718, 193 L.Ed.2d 599, clarify that *Miller v. Alabama* (2012) 567 U.S. ___, 132 S.Ct. 2455, 183 L.Ed.2d 407, created a presumption against a sentence of life imprisonment without possibility of parole for juvenile offenders and requires trial courts to determine that a juvenile offender is one of “those rare children whose crimes reflect irreparable corruption” (*Montgomery*, 577 U.S. at p. __ [136 S.Ct. at p. 734]) before imposing such a sentence? Or is it sufficient, for purposes of compliance with *Montgomery and Miller*, that a trial court take into consideration the offender’s youth and attendant circumstances in exercising its sentencing discretion under Penal Code section 190.5, subdivision (b)? (See also *People v. Padilla*, S239454.)

#17-33 *People v. Lopez*, S238627. (C078537; 4 Cal.App.5th 815; Yolo County Superior Court; CRF143400.) Petition for review after the Court of Appeal reversed an order of dismissal of a criminal proceeding. This case presents the following issue: Does *Arizona v. Gant* (2009) 556 U.S. 332 permit a peace officer to search the interior of a suspect’s vehicle for identification if the suspect fails to provide it upon request? (See *In re Arturo D.* (2002) 27 Cal.4th 60.)

#17-34 *People v. Padilla*, S239454. (B265614; 4 Cal.App.5th 656; Los Angeles County Superior Court; TA051184.) Review ordered on the court’s own motion after the Court of Appeal reversed a judgment of conviction of a criminal offense and remanded for resentencing. The court limited review to the following issue: Did *Montgomery v.*

Louisiana (2016) 577 U.S. ___, 136 S.Ct. 718, 193 L.Ed.2d 599, clarify that *Miller v. Alabama* (2012) 567 U.S. ___, 132 S.Ct. 2455, 183 L.Ed.2d 407, bans a sentence of life without the possibility of parole on a specific class of juvenile offenders whose crimes reflect the transient immaturity of youth, thereby requiring that trial courts determine that the crime reflects “irreparable corruption resulting in permanent incorrigibility” before imposing life without parole, or does a trial court comply with the constitutional mandates of *Miller* by giving due consideration to the offender’s youth and attendant circumstances in exercising its sentencing discretion under Penal Code section 190.5, subdivision (b)? (See also *People v. Arzate*, S238032.)

#17-35 *United Auburn Indian Community of Auburn Rancheria v. Brown*, S238544. (C075126; 4 Cal.App.5th 36; Sacramento County Superior Court; 34201380001412CUWMGDS.) Petition for review after the Court of Appeal affirmed the judgment in an action for writ of administrative mandate. This case presents the following issue: May the Governor concur in a decision by the Secretary of the Interior to take off-reservation land in trust for purposes of tribal gaming without legislative authorization or ratification, or does such an action violate the separation of powers provisions of the state Constitution?

#17-36 *People v. Banuelos*, S238984. (B266248; nonpublished opinion; Los Angeles County Superior Court; SA017369.) Petition for review after the Court of Appeal affirmed an order denying a petition to recall sentence.

#17-37 *People v. Kenny*, S239081. (H040515; nonpub. opn.; Santa Clara County Superior Court; C9812477.) Petition for review after the Court of Appeal affirmed an order denying a petition to recall sentence.

The court ordered briefing in *Banuelos* and *Kenny* 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)?

#17-38 *People v. Davis*, S239050. (B268034; nonpub. opn.; Los Angeles County Superior Court; MA054631.) Petition for review after the Court of Appeal affirmed an order denying a petition to recall sentence.

#17-39 *People v. Felix*, 239002. (B269707; nonpublished opinion; Santa Barbara County Superior Court; 1479726.) Petition for review after the Court of Appeal affirmed a judgment of conviction of a criminal offense.

The court ordered briefing in *Davis* and *Felix* 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?

#17-40 *In re Guiomar*, S238888. (H043114; 5 Cal.App.5th 265; Monterey County Superior Court; HC8598.) Petition for review after the Court of Appeal modified sentence and otherwise denied a petition for writ of habeas corpus. The court ordered briefing deferred pending decision in *People v. Buycks*, S231765 (#16-19), which presents 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?

#17-41 *People v. Ramos*, S239094. (B265543; nonpublished opinion; Los Angeles County Superior Court; NA093937.) Petition for review after the Court of Appeal affirmed an order granting relief on a petition for writ of habeas corpus.

#17-42 *People v. Wallace*, S239006. (B268821; nonpublished opinion; Los Angeles County Superior Court; KA094768, BA369068.) Petition for review after the Court of Appeal denied a petition for writ of habeas corpus.

The court ordered briefing deferred in *Ramos* and *Wallace* 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?

#17-43 *People v. Santana*, S238242. (B261900; nonpublished opinion; Los Angeles County Superior Court; BA373501.) 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. Arzate*, S238032 (#17-32) and *People v. Padilla*, S239454 (#17-34), which present issues as to the requirements under *Montgomery v. Louisiana* (2016) 577 U.S. ___, 136 S.Ct. 718, 193 L.Ed.2d 599, *Miller v. Alabama* (2012) 567 U.S. ___, 132 S.Ct. 2455, 183 L.Ed.2d 407, for imposing a sentence of life imprisonment without possibility of parole on a juvenile offender.

STATUS

#15-38 *McGill v. Citibank, N.A.*, S224086. The court requested the parties to file supplemental briefs addressing the following question: Did the 2004 amendments to the Unfair Competition Law and the false advertising law, through passage of Proposition 64, eliminate the ability of private plaintiffs to seek public injunctive relief?

#15-171 *People v. DeHoyos*, S228230. The court requested the parties to file supplemental briefs addressing the significance, if any, of the decision in *People v. Conley* (2016) 63 Cal.4th 646 on the issues in this case.

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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.