



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 28, 2019

[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.]

#19-14 *People v. Henson*, S252702. (F075101; 28 Cal.App.5th 490; Fresno County Superior Court; F16903119.) Petition for review after the Court of Appeal reversed and remanded a judgment of conviction of criminal offenses. This case presents the following issue: When a defendant is held to answer following separate preliminary hearings on charges brought in separate complaints, can the People file a unitary information covering the charges in both those cases or must they obtain the trial court's permission to consolidate the pleadings? (See Pen. Code, §§ 949, 954.)

#19-15 *Wilde v. City of Dunsmuir*, S252915. (C082664; 29 Cal.App.5th 158; Siskiyou County Superior Court; SCCVPT16549.) Petition for review after the Court of Appeal granted a peremptory writ of mandate, reversed and remanded with directions in a civil action. This case presents the following issue: Can the electorate use the referendum power (Cal. Const., art. II, § 9) to challenge a city's resolution increasing water fees or is such a challenge expressly limited to the power of initiative (Cal. Const., arts. XIII C & XIII D, § 6 (Proposition 218))?

#19-16 *In re Tommy M.*, S252722. (A147813; nonpublished opinion; San Francisco County Superior Court; JW156136.) Petition for review after the Court of Appeal remanded in part and otherwise affirmed orders in a juvenile wardship proceeding. The court ordered briefing deferred pending decision in *In re Ricardo P.*, S230923 (#16-41) and *People v. Trujillo*, S244650 (#17-335), which present issues concerning the imposition of an "electronics search condition" of probation if the devices subject to the condition had no relationship to the crime or crimes committed and use of the devices would not itself involve criminal conduct, but access to the devices might facilitate supervision of the probationer.

STATUS

People v. Dalton, S046848. The court requested the parties to file simultaneous supplemental letter briefs addressing the following issues: (1) Assuming substantial evidence supports the conspiracy to commit murder conviction (Count I), was the imposition of a death sentence on Count I unauthorized because conspiracy to commit murder does not render a defendant death eligible? (See *People v. Vieira* (2005) 35 Cal.4th 264, 294; *People v. Lawley* (2002) 27 Cal.4th 102, 171–172.) (2) If the death sentence on Count I is unauthorized, what is the proper sentence for conspiracy to commit murder?

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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.