



Supreme Court of California
350 McAllister Street, San Francisco, CA 94102-4797
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NEWS RELEASE

Contact: [Cathal Conneely](mailto:Cathal.Conneely@courts.ca.gov), 415-865-7740

FOR IMMEDIATE RELEASE

March 2, 2018

Summary of Cases Accepted and Related Actions During Week of February 26, 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.]

#18-38 *Morris v. Appellate Division of Superior Court, S246214.* (E066330; 17 Cal.App.5th 636; San Bernardino County Superior Court; ACRAS1600028, CIVDS1610302.) Petition for review after the Court of Appeal denied a petition for peremptory writ of mandate. This case presents the following issue: Is the Appellate Division of the Superior Court required to appoint counsel for an indigent defendant charged with a misdemeanor offense on an appeal by the prosecution?

#18-39 *Noel v. Thrifty Payless, Inc., S246490.* (A143026; 17 Cal.App.5th 1315; Marin County Superior Court; CIV1304712.) Petition for review after the Court of Appeal affirmed an order denying class certification in a civil action. This case presents the following issue: Must a plaintiff seeking class certification under Code of Civil Procedure section 382 or the Consumer Legal Remedies Act demonstrate that records exist permitting the identification of class members?

#18-40 *Southern California Gas Leak Cases, S246669.* (B283606; 18 Cal.App.5th 581; Los Angeles County Superior Court; JCCP4861.) Petition for review after the Court of Appeal granted a petition for peremptory writ of mandate. This case presents the following issue: Can a plaintiff who is harmed by a manmade environmental disaster state a claim for negligence against the gas company that allegedly caused the disaster if the damages sustained are purely economic?

#18-41 *People v. Showell, S245809.* (B278462; nonpublished opinion; Los Angeles County Superior Court; BA082480.) Petition for review after the Court of Appeal dismissed an appeal as moot. The court ordered briefing deferred pending decision in *People v. Mendoza*, 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, and *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.

DISPOSITIONS

The following case was transferred for reconsideration in light of *In re Martinez* (2018) 3 Cal.5th 1219:

#15-168 <i>People v. Adams</i>, S228348	(B252187; nonpublished opinion; Los Angeles County Superior Court; TA103351)
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Review in the following cases was dismissed in light of *People v. Page* (2017) 3 Cal.5th 1175:

#16-86 <i>People v. Ortiz</i>, S232344	(H042062; 243 Cal.App.4th 854; Santa Clara County Superior Court; C1245313)
#16-101 <i>People v. Lopez</i>, S232675	(H042129; nonpublished opinion; Santa Clara County Superior Court; C1485792)
#16-413 <i>People v. Bartlett</i>, S237166	(E064371; nonpublished opinion; San Bernardino County Superior Court; FVI021087)
#16-414 <i>People v. Lugo</i>, S237993	(H042388; nonpublished opinion; Santa Clara County Superior Court ; 147427)
#17-173 <i>In re J.L.</i>, S241326	(A148098; nonpublished opinion; Contra Costa County Superior Court; J0500105)
#17-279 <i>People v. Andon</i>, S243813.	(H042488; nonpublished opinion; Santa Clara County Superior Court; F1348027)

The following cases were transferred for reconsideration in light of *People v. Page* (2017) 3 Cal.5th 1175:

#17-76 <i>People v. Bussey</i>, S239540	(C079797; nonpublished opinion; Placer County Superior Court; 62-135055)
#17-157 <i>In re R.K.</i>, S240974	(E065612; nonpublished opinion; San Bernardino County Superior Court; J264090)
#17-169 <i>People v. Flores</i>, S241173	(D070125; nonpublished opinion; San Diego County Superior Court; SCE355998)

#17-183 <i>In re J.R.</i>, S241246	(H043051; nonpublished opinion; Santa Clara County Superior Court; JV40959)
#17-184 <i>People v. Pineda</i>, S241394	(G052804; nonpublished opinion; Orange County Superior Court; 14NF5034)
#17-336 <i>People v. Contreras</i>, S244597	(B277699; nonpublished opinion; Los Angeles County Superior Court; LA083486)

Review in the following cases was dismissed in light of *People v. Superior Court (Lara)* (2018) 4 Cal.5th 299:

#16-162 <i>People v. Cervantes</i>, S241323	(A140464; 9 Cal.App.5th 569, mod. 10 Cal.App.5th 749a; Solano County Superior Court; FCR281334)
#17-285 <i>People v. Wade</i>, S243311	(A141133; nonpublished opinion; Marin County Superior Court; SC180336)
#17-292 <i>People v. Lemon</i>, S243315	(B262406; nonpublished opinion; Los Angeles County Superior Court; NA096742)
#17-299 <i>People v. Gallardo</i>, S243953	(B254090; nonpublished opinion; Los Angeles County Superior Court; TA120456)
#17-329 <i>People v. Pitcher</i>, S244760	(A144718; nonpublished opinion; Contra Costa County Superior Court; 1213834)
#17-344 <i>People v. Pineda</i>, S244451	(B267885; 14 Cal.App.5th 469; Los Angeles County Superior Court; TA133930)
#18-15 <i>People v. Reyes</i>, S245643	(B269741; nonpublished opinion; Los Angeles County Superior Court; BA425003)

The following cases were transferred for reconsideration in light of *People v. Superior Court (Lara)* (2018) 4 Cal.5th 299:

#17-208 <i>People v. Mendoza</i>, S241647	(H039705; 10 Cal.App.5th 327; Santa Clara County Superior Court; 212506, C1114503)
#17-228 <i>People v. Caudillo</i>, S242541	(C077673; nonpublished opinion; Sutter County Superior Court; CRF131501, CRF131591)
#17-242 <i>People v. Canon</i>, S242185	(A133342; nonpublished opinion; San Francisco County Superior Court; 209815)

#17-267 <i>People v. Baker</i>, S243009	(F071120; nonpublished opinion; Tulare County Superior Court; VCF295267)
#17-277 <i>People v. Superior Court (Walker)</i>, S243072	D071461; 12 Cal.App.5th 687; San Diego County Superior Court; RIF1201399)
#17-305 <i>People v. Houston</i>, S243936	(B267503; nonpublished opinion; Los Angeles County Superior Court; BA388294)
#18-23 <i>People v. Nash</i>, S244768	(F066160, F066278; nonpublished opinion; Kern County Superior Court; BF131808A, BF131808)

The following cases were transferred for reconsideration in light of *People v. Superior Court (Lara)* (2018) 4 Cal.5th 299 and Senate Bill No. 620 (Stats. 2017, ch. 682):

#17-225 <i>People v. Vela</i>, S242298	(G052282; 11 Cal.App.5th 68; Orange County Superior Court; 10CF0100)
#17-227 <i>People v. Audinette</i>, S241699	(B267258; nonpublished opinion; Los Angeles County Superior Court; MA064178)
#17-273 <i>People v. Delvillar</i>, S243000	(F069224; nonpublished opinion; Stanislaus County Superior Court; 1432625)

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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.