



Supreme Court of California  
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**NEWS RELEASE**

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**FOR IMMEDIATE RELEASE**

March 11, 2016

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## Summary of Cases Accepted and Related Actions During Week of March 7, 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.]*

**#16-63 *Brown v. Superior Court, S232642.*** Original proceeding. The court issued an order to show cause directing the California District Attorneys Association and Anne Marie Schubert as real parties in interest to show cause why the relief prayed for in the petition for writ of mandate should not be granted. This case involves a trial court order commanding the Attorney General to reject the January 25, 2016, amendments to proposed Initiative Measure No. 15-0121 and prohibiting her from issuing the circulating title and summary for proposed Initiative Measure No. 15-0121 as amended.

**#16-64 *K.R. v. Superior Court, S231709.*** (C079548; 243 Cal.App.4th 495; Sacramento County Superior Court; JV134953.) Petition for review after the Court of Appeal denied a petition for peremptory writ of mandate. This case presents the following issue: Was the juvenile entitled to a disposition hearing before the same judge who accepted his admissions to a criminal offense and probation violations even though he did not make an affirmative showing of individualized facts in the record establishing that this was an implied term of the plea agreement? (See *People v. Arbuckle* (1978) 22 Cal.3d 749.)

**#16-65 *People v. Merritt, S231644.*** (E062540; nonpublished opinion; San Bernardino County Superior Court; FV11300082.) Petition for review after the Court of Appeal reversed a judgment of conviction of criminal offenses. This case presents the following issue: Is the failure to instruct the jury on the elements of a charged offense reversible per se or subject to harmless error review? (See *Neder v. United States* (1999) 527 U.S. 1; *People v. Mil* (2012) 53 Cal.4th 400; *People v. Cummings* (1993) 4 Cal.4th 1233.)

**#16-66 *In re Alejandro R., S232240.*** (A144398; 243 Cal.App.4th 556; Alameda County Superior Court; SJ11017351.) Petition for review after the Court of Appeal modified and affirmed orders in a juvenile wardship proceeding. The court ordered briefing deferred

pending decision in *In re Ricardo P.*, S230923 (#16-41), which presents the following issue: Did the trial court err by imposing an “electronics search condition” on the juvenile as a condition of his probation when that condition 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 the juvenile’s supervision?

**#16-67 *People v. Alvarez*, S231570.** (H039691; nonpublished opinion; Santa Clara County Superior Court; C1230950.) Petition for review after the Court of Appeal affirmed in part an reversed in part a judgment of conviction of criminal offenses.

**#16-68 *People v. Guerrero*, S231749.** (G049687; nonpublished opinion; Orange County Superior Court; 10NF1477.) Petition for review after the Court of Appeal affirmed a judgment of conviction of criminal offenses.

The court ordered briefing in *Alvarez* and *Guerrero* 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)?

**#16-69 *People v. Barbarin*, S231457.** (D058066; nonpublished opinion; Riverside County Superior Court; RIF1203746.) Petition for review after the Court of Appeal affirmed a judgment of conviction of a criminal offense.

**#16-70 *People v. Moore*, S231734.** (B260667; nonpublished opinion; Los Angeles County Superior Court; NA007617.) Petition for review after the Court of Appeal affirmed a judgment of conviction of criminal offenses.

**#16-71 *People v. Ortega*, S230917.** (E061027; nonpublished opinion; Riverside County Superior Court ; RIF72231.) Petition for review after the Court of Appeal affirmed judgments of conviction of criminal offenses.

**#16-72 *People v. Soto*, S231012.** (F068397; nonpublished opinion; Fresno County Superior Court; F11906858.) Petition for review after the Court of Appeal modified and affirmed a judgment of conviction of criminal offenses.

The court ordered briefing in *Barbarin*, *Moore*, *Ortega*, and *Soto* deferred pending decision in *People v. Franklin*, S217699 (#14-56), which includes the following issues: (1) Is a total term of imprisonment of 50 years to life for murder committed by a 16-year-old offender the functional equivalent of life without possibility of parole by denying the offender a meaningful opportunity for release on parole? (2) If so, does the sentence violate the Eighth Amendment absent consideration of the mitigating factors for juvenile

offenders set forth in *Miller v. Alabama* (2012) 567 U.S. \_\_ [132 S.Ct. 2455]? (3) Did Senate Bill 260 (Reg. Sess. 2013-2014), which includes provisions for a parole suitability hearing after a maximum of 25 years for most juvenile offenders serving life sentences, render moot any claim that such a sentence violates the Eighth Amendment?

**#16-73 *People v. Egglar, S231996.*** (B262757; nonpublished opinion; Los Angeles County Superior Court; YA090390.) Petition for review after the Court of Appeal affirmed an order denying a petition to recall sentence.

**#16-74 *People v. Haywood, S232250.*** (C078609; 243 Cal.App.4th 515; Sacramento County Superior Court; 95F04059.) Petition for review after the Court of Appeal affirmed an order denying a petition to recall sentence.

The court ordered briefing in *Egglar* and *Haywood* 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?

**#16-75 *People v. Greenblat, S231976.*** (E062874; nonpublished opinion; San Bernardino County Superior Court; FVI021372.) Petition for review after the Court of Appeal affirmed an order denying a petition to recall sentence.

**#16-76 *People v. Ramirez, S232201.*** (B263169; nonpublished opinion; Los Angeles County Superior Court; KA058017.) Petition for review after the Court of Appeal affirmed an order denying a petition to recall sentence.

The court ordered briefing in *Greenblat* and *Ramirez* deferred pending decision in *People v. Gonzales*, S231171 (#16-39), which presents the following issue: Was defendant entitled to resentencing under Penal Code section 1170.18 on his conviction for second degree burglary either on the ground that it met the definition of misdemeanor shoplifting (Pen. Code, § 459.5) or on the ground that section 1170.18 impliedly includes any second degree burglary involving property valued at \$950 or less?

**#16-77 *People v. Hamilton, S232118.*** (F069272; nonpublished opinion; Kern County Superior Court; SC061057A.) Petition for review after the Court of Appeal affirmed an order denying a petition to recall sentence.

**#16-78 *People v. Hernandez, S232233.*** (F069071; nonpublished opinion; Fresno County Superior Court; SUF22991.) Petition for review after the Court of Appeal affirmed an order denying a petition to recall sentence.

The court ordered briefing in *Hamilton* and *Hernandez* 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)?

**#16-79 *People v. Segundo*, S232270.** (A143929; nonpublished opinion; Solano County Superior Court; FCR271077.) Petition for review after the Court of Appeal affirmed an order denying a petition to recall sentence.

**#16-80 *People v. Thibodeaux*, S232245.** (B262075; nonpublished opinion; Los Angeles County Superior Court; VA132689.) Petition for review after the Court of Appeal affirmed an order denying a petition to recall sentence.

**#16-81 *People v. Thompson*, S232212.** (B261625; 243 Cal.App.4th 413; Los Angeles County Superior Court; KA095346.) Petition for review after the Court of Appeal affirmed an order denying a petition to recall sentence.

The court ordered briefing in *Segundo*, *Thibodeaux*, and *Thompson* deferred pending decision in *People v. Cuen*, S231107 (#16-22), and *People v. Romanowski*, S231405 (#16-24), which 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)?

## DISPOSITION

Review in the following case, which was granted and held for *Coker v. JPMorgan Chase Bank, N.A* (2016) 62 Cal.4th 667, was dismissed:

**#15-16 *First California Bank v. McDonald*, S222858.**

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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.*