



Supreme Court of California
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NEWS RELEASE

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FOR IMMEDIATE RELEASE

March 15, 2019

Summary of Cases Accepted and Related Actions During Week of March 11, 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.]

#19-25 *People v. Anderson*, S253227. (A136451; nonpublished opinion; San Francisco County Superior Court; 206013.) Petition for review after the Court of Appeal affirmed a judgment of conviction of criminal offenses. The court limited review to the following issue: Were the enhancements under Penal Code section 12022.53, subdivision (e), improperly imposed as to counts 3 through 7 because the prosecution did not specifically plead a violation of this subdivision as to those counts? (See *People v. Mancebo* (2002) 27 Cal.4th 735.)

#19-26 *People v. Guerrero*, S253405. (H041900; nonpublished opinion; Santa Clara County Superior Court; C1476320.) Petition for review after the Court of Appeal affirmed a judgment of conviction of criminal offenses. This case presents the following issue: Did the Court of Appeal properly apply the “some connection or relationship” test of *People v. Gonzales* (2018) 6 Cal.5th 44 in holding that defendant’s conviction for identity theft precluded reducing his forgery conviction to a misdemeanor under the provisions of Proposition 47?

#19-27 *Mendoza v. Fonseca McElroy Grinding Co., Inc.*, S253574. (9th Cir. No. 17-15221; 913 F.3d 911; Northern District of California No. No. 3:15-cv-05143-WHO.) Request under California Rules of Court rule 8.548, that this court decide a question of California law presented in a matter pending in the United States Court of Appeals for the Ninth Circuit. The question presented is: “Is operating engineers’ offsite ‘mobilization work’ — including the transportation to and from a public works site of roadwork grinding equipment — performed ‘in the execution of [a] public work’ (Cal. Lab. Code, § 1772), such that it entitles workers to ‘not less than the general prevailing rate of per diem wages for work of a similar character in the locality in which the public work is performed’ pursuant to section 1771 of the California Labor Code?”

#19-28 *People v. Peterson*, S253442. (F077135; nonpublished opinion; Kern County Superior Court; BF165609A, BF163967A, BF166408A.) 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. Frahs*, S252220 (#18-175), which presents the following issues: (1) Does Penal Code section 1001.36 apply retroactively to all cases in which the judgment is not yet final? (2) Did the Court of Appeal err by remanding for a determination of defendant's eligibility under Penal Code section 1001.36?

DISPOSITION

The following case was transferred for reconsideration in light of Senate Bill No. 1437 (Stats. 2018, ch. 1015):

#16-147 <i>People v. Mateo</i>, S232674.	(B258333; nonpublished opinion; Los Angeles County Superior Court; BA414092)
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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.