



Supreme Court of California
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NEWS RELEASE

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FOR IMMEDIATE RELEASE

March 17, 2017

Summary of Cases Accepted and Related Actions During Week of March 13, 2017

[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.]

#17-85 *People v. Baldwin*, S239819. (A147588; nonpublished opinion; Del Norte County Superior Court; CRF129177.) Petition for review after the Court of Appeal affirmed an order granting in part and denying a petition to recall sentence.

#17-86 *People v. Cooper*, S239928. (B269198; nonpublished opinion; Los Angeles County Superior Court; MA011494.) Petition for review after the Court of Appeal affirmed an order granting in part and denying in part a petition to recall sentence.

The court ordered briefing in *Baldwin* and *Cooper* deferred 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?

#17-87 *Elliott Homes, Inc. v. Superior Court*, S239804. (C078122; 6 Cal.App.5th 333; Sacramento County Superior Court; 34201400164692CUCDGDS.) Review ordered on the court's own motion after the Court of Appeal granted a petition for writ of peremptory mandate. The court ordered briefing deferred pending decision in *McMillin Albany LLC v. Superior Court*, S229762 (#15-218), which presents the following issue: Does the Right to Repair Act (Civ. Code, § 895 et seq.) preclude a homeowner from bringing common law causes of action for defective conditions that resulted in physical damage to the home?

#17-88 *People v. Gittens*, S239936. (F072237; nonpublished opinion; Fresno County Superior Court; F07907272.) Petition for review after the Court of Appeal affirmed an order granting in part and denying a petition to recall sentence.

#17-89 *People v. Goldsmith, S239978.* (F071723; nonpublished opinion; Fresno County Superior Court; F12906208.) Petition for review after the Court of Appeal affirmed an order denying a petition to recall sentence.

#17-90 *People v. Jorgensen, S239471.* (F071472; nonpublished opinion; Fresno County Superior Court; F09901895). Petition for review after the Court of Appeal affirmed an order denying a petition to recall sentence.

The court ordered briefing in *Gittens, Goldsmith, and Jorgensen* 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?

#17-91 *People v. Granados, S239715.* (F071321; nonpublished opinion; Fresno County Superior Court; F14903336.) Petition for review after the Court of Appeal affirmed an order granting a petition to recall sentence. The court ordered briefing deferred pending decision in *People v. Gonzales, S231171* (#16-39), which concerns the scope of the offense of misdemeanor shoplifting (Pen. Code, § 459.5), and *People v. Romanowski, S231405* (#16-24), which concerns whether Proposition 47, which reclassifies as a misdemeanor any grand theft involving property valued at \$950 or less (Pen. Code, § 490.2), applies to theft of access card information in violation of Penal Code section 484e, subdivision (d).

#17-92 *People v. Lewis, S239919.* (F071853; nonpublished opinion; Madera County Superior Court; MCR017299.) Petition for review after the Court of Appeal affirmed an order denying a petition to recall sentence. The court ordered briefing 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)?

#17-93 *People v. Moffett, S239323.* (A143724; nonpublished opinion; Contra Costa County Superior Court; 050513788.) 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. 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.

#17-94 *In re R.F.*, S239950. (A146082; nonpublished opinion; San Francisco County Superior Court; JW126300.) Petition for review after the Court of Appeal 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 imposing an “electronics search condition” on minor as a condition of his probation when it 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 his supervision?

#17-95 *People v. Rodriguez*, S239432. (B266674; nonpublished opinion; Los Angeles County Superior Court; KA037343.) Petition for review after the Court of Appeal affirmed an order denying a petition to recall sentence. The court ordered briefing deferred pending decision in *People v. Estrada*, S232114 (#16-104), and *People v. Frierson*, S236728 (#16-362), which present issues concerning proof of ineligibility for resentencing under Proposition 47.

DISPOSITIONS

The following cases were transferred for reconsideration in light of *People v. White* (2017) 2 Cal.5th 349:

#15-188 *People v. Mesinas*, S227887.

#15-189 *People v. Soria*, S228653.

#15-220 *People v. Brown*, S230134.

Review in the following case was dismissed at the request of the parties in light of the settlement of the matter:

#16-382 *Ace American Ins. Co. v. Fireman’s Fund Ins. Co.*, S237175.

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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.