



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 25, 2016

Summary of Cases Accepted and Related Actions During Week of March 21, 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.]

#16-87 *People v. Hicks*, S232218. (B259665; 243 Cal.App.4th 343; Los Angeles County Superior Court; MA058121.) Petition for review after the Court of Appeal affirmed a judgment of conviction of criminal offenses. The court limited review to the following issue: Did the trial court err when it refused to inform the jury at the retrial of a murder charge that defendant had been convicted of gross vehicular manslaughter in the first trial? (Compare *People v. Batchelor* (2014) 229 Cal.App.4th 1102.)

#16-88 *People v. Martinez*, S231826. (E063107; nonpublished opinion; Riverside County Superior Court; RIF136990.) Petition for review after the Court of Appeal affirmed an order granting in part and denying in part a petition to recall sentence. This case presents the following issue: Could defendant use a petition for recall of sentence under Penal Code section 1170.18 to request the trial court to reduce his prior felony conviction for transportation of a controlled substance to a misdemeanor in light of the amendment to Health and Safety Code section 11379 effected by Proposition 47?

#16-89 *People v. Fernandez*, S232413. (E063653; nonpublished opinion; San Bernardino County Superior Court; FVI902287.) Petition for review after the Court of Appeal affirmed an order denying a petition to recall sentence.

#16-90 *People v. Vargas*, S232418. (D068097; nonpublished opinion; San Diego County Superior Court; SCN201093-2.) Petition for review after the Court of Appeal affirmed an order denying a petition to recall sentence.

The court ordered briefing in *Fernandez* and *Vargas* deferred pending decision in *People v. Romanowski*, S231405 (#16-24), which presents 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)?

#16-91 *People v. Gray, S232380.* (F068698; nonpublished opinion; Fresno County Superior Court; F12908580.) Petition for review after the Court of Appeal affirmed in part and reversed in part judgments of conviction of criminal offenses.

#16-92 *People v. Sanchez, S232093.* (H040172; nonpublished opinion; Santa Cruz County Superior Court; WF01199.) Petition for review after the Court of Appeal affirmed a judgments of conviction of criminal offenses.

The court ordered briefing in *Gray* and *Sanchez* 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)?

#16-93 *Great Oaks Water Co. v. Santa Clara Valley Water Dist., S231846.* (H035260; 242 Cal.App.4th 1187; Santa Clara County Superior Court; CV053142.) Petition for review after the Court of Appeal reversed the judgment in a civil action. The court ordered briefing deferred pending decision in *City of San Buenaventura v. United Water Conservation Dist., S226036* (#15-96), which presents the following issues: (1) Do the District's ground water pumping charges violate Proposition 218 or Proposition 26? (2) Does the rate ratio mandated by Water Code section 75594 violate Proposition 218 or Proposition 26?

#16-94 *Marina Coast Water Dist. v. Public Utilities Com., S230728.* Original proceeding. The court ordered briefing deferred pending decision in *Los Angeles County Board of Supervisors v. Superior Court (ACLU), S226645* (#15-107), which presents the following issue: Are invoices for legal services sent to the County of Los Angeles by outside counsel within the scope of the attorney-client privilege and exempt from disclosure under the California Public Records Act, even with all references to attorney opinions, advice and similar information redacted?

#16-95 *People v. Rubal, S232411.* (C076023; nonpublished opinion; Placer County Superior Court; 62088013A.) 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)?

#16-96 *People v. Schneider*, S232382. (A144612; nonpublished opinion; Sonoma County Superior Court; SCR658220.) Petition for review after the Court of Appeal affirmed a judgment of conviction of a criminal offense. The court ordered briefing deferred pending decision in *People v. Hall*, S227193 (#15-157), which presents the following issues: (1) Are probation conditions prohibiting defendant from: (a) “owning, possessing or having in his custody or control any handgun, rifle, shotgun or any firearm whatsoever or any weapon that can be concealed on his person”; and (b) “using or possessing or having in his custody or control any illegal drugs, narcotics, narcotics paraphernalia without a prescription,” unconstitutionally vague? (2) Is an explicit knowledge requirement constitutionally mandated?

DISPOSITIONS

Review in the following case, which was granted and held for *People v. Safety National Casualty Corp.* (2016) 62 Cal.4th 703, was dismissed:

#14-94 *People v. American Contractors Indemnity Co.*, S219842.

The following case was transferred for reconsideration in light of *People v. Safety National Casualty Corp.* (2016) 62 Cal.4th 703:

#15-61 *People v. Lexington National Ins. Corp.*, S224774.

The following cases were transferred for reconsideration in light of *Center for Biological Diversity v. Department of Fish and Wildlife* (2015) 62 Cal.4th 204:

#15-152 *Friends of the Santa Clara River v. County of Los Angeles*, S226749.

#15-225 *California Native Plant Society v. County of Los Angeles*, S230336.

STATUS

In the following case in which review was previously granted, the court ordered briefing deferred pending decision in *People v. Romanowski*, S231405 (#16-22), which presents 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)?

#16-20 *People v. Cuen*, S231107.

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.