



Supreme Court of California  
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**NEWS RELEASE**

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**FOR IMMEDIATE RELEASE**

March 30, 2017

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## Summary of Cases Accepted and Related Actions During Week of March 27, 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.]*

**#17-110 *Chen v. L.A. Truck Centers, LLC, S240245***. (B265304; 7 Cal.App.5th 757; Los Angeles County Superior Court; BC469935.) Petition for review after the Court of Appeal reversed the judgment in a civil action. This case presents the following issue: Must a trial court reconsider its ruling on a motion to establish the applicable law governing questions of liability in a tort action when the party whose presence justified that choice of law settles and is dismissed?

**#17-111 *County of San Diego v. Commission on State Mandates, S239907***. (D068657; 7 Cal.App.5th 12; San Diego County Superior Court; 37-2014-0005050-CU-WM-CTL.) Petition for review after the Court of Appeal reversed the judgment in an action for writ of administrative mandate. This case presents the following issue: Did The Sexual Predator Punishment and Control Act (the voter initiative otherwise known as “Jessica’s Law” or Proposition 83), which amended and reenacted provisions of the Sexually Violent Predator Act, a statutory scheme that the Commission on State Mandates had found to include reimbursable state mandates, constitute a “change in the law” sufficient to support the Commission’s decision that some of those mandates were no longer reimbursable by the State of California?

**#17-112 *People v. Gann, S239935***. (C077898; nonpublished opinion; Sacramento County Superior Court; 94F07904, 95F02375.) 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), which concerns whether a trial court may rely on the facts of counts dismissed under a plea agreement to find the defendant ineligible for resentencing under the provisions of Proposition 36, and *People v. Frierson, S236728* (#16-362), which concerns the standard of proof for such a finding of ineligibility for resentencing.

**#17-113 *People v. Mizner, S239837.*** (H040421; nonpublished opinion; San Benito County Superior Court; CR0801656.) 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)?

**#17-114 *People v. Perez, S239961.*** (C081047; nonpublished opinion; Colusa County Superior Court; CR53495, CR533383.) 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. Buycks, S231765* (#16-19), which presents the following issue: Was defendant eligible for resentencing on the penalty enhancement for committing a new felony while released on bail on a drug offense even though the superior court had reclassified the conviction for the drug offense as a misdemeanor under the provisions of Proposition 47?

## STATUS

The court ordered the following cases consolidated for opinion:

**#15-73 *People v. Gutierrez, S224724.***

**#17-84 *People v. Enriquez, S240419.***

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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.*