



Supreme Court of California
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NEWS RELEASE

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FOR IMMEDIATE RELEASE

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Summary of Cases Accepted and Related Actions During Week of March 28, 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.]

#16-97 *People v. Valenzuela*, S232900. (D066907; 244 Cal.App.4th 692; San Diego County Superior Court; JCF32712.) Petition for review after the Court of Appeal affirmed a judgment of conviction of criminal offenses. This case presents the following issue: Is defendant eligible for resentencing on the penalty enhancement for serving a prior prison term on a felony conviction after the superior court had reclassified the underlying felony as a misdemeanor under the provisions of Proposition 47?

#16-98 *People v. Aumoeualogo*, S232375. (E063006; nonpublished opinion; San Bernardino County Superior Court; FWV1300867.) Petition for review after the Court of Appeal affirmed an order denying a petition to recall sentence.

#16-99 *People v. Thomas*, S232649. (E063241; nonpublished opinion; San Bernardino County Superior Court; FSB1400007.) Petition for review after the Court of Appeal affirmed an order denying a petition to recall sentence.

The court ordered briefing in *Aumoeualogo* and *Thomas* 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)?

#16-100 *People v. Driver*, S232331. (E059681; nonpublished opinion; San Bernardino County Superior Court; FSB1201484.) 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. Gallardo*, S231260 (#16-38), which present the

following issue: Was the trial court's decision that defendant's prior conviction constituted a strike incompatible with *Descamps v. U.S.* (2013) 570 U.S. __ (133 S.Ct. 2276) because the trial court relied on judicial fact-finding beyond the elements of the actual prior conviction?

#16-101 *People v. Lopez*, S232675. (H042129; nonpublished opinion; Santa Clara County Superior Court; C1485792.) Petition for review after the Court of Appeal reversed an order denying a petition to recall sentence. The court ordered briefing 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?

#16-102 *People v. Turner*, S232272. (C079217; nonpublished opinion; Yolo County Superior Court; CRF094367.) Petition for review after the Court of Appeal affirmed in part and reversed in part an order denying a petition to recall sentence. The court ordered briefing deferred pending decision in *People v. Martinez*, S231826 (#16-88), which 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?

#16-103 *People v. Vargas*, S232673. (B262129; 243 Cal.App.4th 1416; Los Angeles County Superior Court; MA061918.) Petition for review after the Court of Appeal reversed an order denying a petition to recall sentence. The court ordered briefing 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?

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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.