



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 April 11, 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.]

#16-104 *People v. Estrada*, S232114. (B260573; 243 Cal.App.4th 336; Los Angeles County Superior Court; GA025008.) Petition for review after the Court of Appeal affirmed an order denying a petition to recall sentence. This case presents the following issue: Did the trial court improperly rely on the facts of counts dismissed under a plea agreement to find defendant ineligible for resentencing under the provisions of Proposition 36?

#16-105 *Kim v. Toyota Motor Corp.*, S232754. (B247672; 243 Cal.App.4th 1366, mod. 244 Cal.App.4th 643b; Los Angeles County Superior Court; VC059206.) Petition for review after the Court of Appeal affirmed the judgment in a civil action. This case includes the following issue: Is evidence of industry custom and practice admissible in a strict products liability action?

#16-106 *King v. CompPartners, Inc.*, S232197. (E063527; 243 Cal.App.4th 685; Riverside County Superior Court; RIC1409797.) Petition for review after the Court of Appeal reversed the judgment in a civil action. This case presents the following issues: (1) Is a claim by an injured worker for medical malpractice brought against a workers' compensation utilization review company barred by workers' compensation as the exclusive remedy? (2) Does a workers' compensation utilization review company that performs medical utilization reviews on behalf of employers owe a duty of care to an injured worker? (3) Did the CA err in finding that plaintiffs should be given leave to amend their complaint in this case?

#16-107 *People v. Superior Court (Sahlolbei)*, S232639. (E062380; nonpublished opinion; Riverside County Superior Court; INF1302523.) Petition for review after the Court of Appeal denied a petition for peremptory writ of mandate. This case presents the

following issue: If an individual performing work for and on behalf of a public entity would qualify as an independent contractor for purposes of tort liability at common law, can that individual be subject to the criminal conflict-of-interest provisions of Government Code section 1090?

#16-108 *People v. Barba*, S232534. (E062935; nonpublished opinion; Riverside County Superior Court; SWF1301283.) 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. 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?

#16-109 *People v. Chilton*, S232753. (A144770; nonpublished opinion; Sonoma County Superior Court; SCR647720.) Petition for review after the Court of Appeal remanded for resentencing and otherwise affirmed a judgment of conviction of a criminal offense. The court ordered briefing 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)?

#16-110 *People v. Dazo*, S232486. (C078836; nonpublished opinion; Yolo County Superior Court; CRF141970.) 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. 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?

#16-111 *People v. Garcia*, S232679. (H040765; 244 Cal.App.4th 224; Santa Clara County Superior Court; CC235364.) Petition for review after the Court of Appeal affirmed an order denying a petition to recall sentence.

#16-112 *People v. Johnson*, S232811. (A143352; nonpublished opinion; Alameda County Superior Court; 125624A.) Petition for review after the Court of Appeal affirmed an order denying a petition to recall sentence.

The court ordered briefing in *Garcia* and *Johnson* 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)?

#16-113 *People v. Granados, S232571.* (B257627; nonpublished opinion; Los Angeles County Superior Court; BA398784.) 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. Canizales, S221958* (#14-134), which presents the following issue: Was the jury properly instructed on the “kill zone” theory of attempted murder?

#16-114 *In re Mark C., S232849.* (A144875; 244 Cal.App.4th 520; Alameda County Superior Court; SJ150242341.) Petition for review after the Court of Appeal modified and 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?

#16-115 *People v. Ming, S232919.* (B263610; nonpublished opinion; Ventura County Superior Court; 2012013475.) Petition for review after the Court of Appeal affirmed an order granting a petition to recall sentence.

#16-116 *People v. Superior Court (Rangel), S232439.* (E061292; 243 Cal.App.4th 992, mod. 244 Cal.App.4th 75e, mod. 244 Cal.App.4th 643a; Riverside County Superior Court; CR57387.) Petition for review after the Court of Appeal denied a petition for peremptory writ of mandate.

The court ordered briefing in *Ming* and *Rangel* deferred pending decision in *People v. Morales, S228030* (#15-156), which presents the following issue: Can excess custody credits be used to reduce or eliminate the one-year parole period required by Penal Code section 1170.18, subdivision (d), upon resentencing under Proposition 47?

#16-117 *Renwick v. Sutter Medical Foundation, S232289.* (C077380; nonpublished opinion; Sutter County Superior Court; CVCS130911.) Petition for review after the Court of Appeal affirmed the judgment in a civil action. The court ordered briefing deferred pending decision in *Winn v. Pioneer Medical Group, Inc., S211793* (#13-72), which presents the following issue: Does “neglect” within the meaning of the Elder Abuse and Dependent Adult Civil Protection Act (Welf. & Inst. Code, § 15657) include a health care provider’s failure to refer an elder patient to a specialist if the care took place

on an outpatient basis, or must an action for neglect under the Act allege that the defendant health care provider had a custodial relationship with the elder patient?

#16-118 *People v. States, S232951.* (E063471; nonpublished opinion; San Bernardino County Superior Court; FV11303081.) 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 *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?

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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.