



Supreme Court of California
350 McAllister Street, San Francisco, CA 94102-4797
www.courts.ca.gov/supremecourt

NEWS RELEASE

Contact: [Cathal Conneely](mailto:Cathal.Conneely@scs.ca.gov), 415-865-7740

FOR IMMEDIATE RELEASE

May 3, 2019

Summary of Cases Accepted and Related Actions During Week of April 29, 2019

[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.]

#19-46 Conservatorship of O.B., S254938. (B290805; 32 Cal.App.5th 626; Santa Barbara County Superior Court; 17PR00325.) Petition for review after the Court of Appeal affirmed the judgment in a conservatorship proceeding. The court limited review to the following issue: On appellate review in a conservatorship proceeding of a trial court order that must be based on clear and convincing evidence, is the reviewing court simply required to find substantial evidence to support the trial court's order or must it find substantial evidence from which the trial court could have made the necessary findings based on clear and convincing evidence?

#19-47 People v. Aguayo, S254554. (D073304; 31 Cal.App.5th 758; San Diego County Superior Court; SCS295489.) Petition for review after the Court of Appeal conditionally reversed a judgment of conviction of criminal offenses and remanded for further proceedings. The court ordered briefing deferred pending decision in *People v. Aledamat*, S248105 (#18-87), which presents the following issue: Is error in instructing the jury on both a legally correct theory of guilt and a legally incorrect one harmless if an examination of the record permits a reviewing court to conclude beyond a reasonable doubt that the jury based its verdict on the valid theory, or is the error harmless only if the record affirmatively demonstrates that the jury actually rested its verdict on the legally correct theory?

#19-48 People v. Casique, S254482. (B284945; nonpublished opinion; Los Angeles County Superior Court; MA065906.) Petition for review after the Court of Appeal remanded for resentencing in part and otherwise 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?

#19-49 *People v. Colon, S254628.* (C084537; nonpublished opinion; Sacramento County Superior Court; 14F06476.) Petition for review after the Court of Appeal remanded for resentencing and otherwise affirmed judgments of conviction of a criminal offense. The court ordered briefing deferred pending decision in *People v. Frahs, S252220* (#18-175), which presents the following issues: (1) Does Penal Code section 1001.36 apply retroactively to all cases in which the judgment is not yet final? (2) Did the Court of Appeal err by remanding for a determination of defendant's eligibility under Penal Code section 1001.36?

#19-50 *People v. Delano, S254249.* (D073240; nonpublished opinion; San Diego County Superior Court; SCS294857.) Petition for review after the Court of Appeal remanded for resentencing in part and otherwise affirmed a judgment of conviction of criminal offenses.

#19-51 *People v. Muniz, S254651.* (D074097; nonpublished opinion; San Diego County Superior Court; SCD274669.) Petition for review after the Court of Appeal affirmed a judgment of conviction of criminal offenses.

The court ordered briefing in *Delano* and *Muniz* deferred pending decision in *In re Ricardo P., S230923* (#16-41) and *People v. Trujillo, S244650* (#17-335), which present issues concerning the imposition of an "electronics search condition" of probation if the devices subject to the condition had no relationship to the crime or crimes committed and use of the devices would not itself involve criminal conduct, but access to the devices might facilitate supervision of the probationer.

#19-52 *People v. Rankin, S254154.* (F075406; nonpublished opinion; Kern County Superior Court BF166278A.) 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. Orozco, S249495* (#18-108), which presents the following issue: Can a felony conviction for receiving a stolen vehicle in violation of Penal Code section 496d be reclassified as a misdemeanor under Proposition 47 in light of Penal Code section 496, subdivision (a), which provides that receiving other stolen property is a misdemeanor when the value of the property does not exceed \$950?

#

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.