



Supreme Court of California  
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**NEWS RELEASE**

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**FOR IMMEDIATE RELEASE**

June 10, 2016

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## Summary of Cases Accepted and Related Actions During Week of June 6, 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.]*

**#16-196 *People v. Arredondo*, S233582.** (H040980; 245 Cal.App.4th 186, mod. 245 Cal.App.4th 777d; Santa Clara County Superior Court; C1363765, C1365187.) Petition for review after the Court of Appeal affirmed a judgment of conviction of criminal offenses. The court limited review to the following issues: (1) Did law enforcement violate the Fourth Amendment by taking a warrantless blood sample from defendant while he was unconscious, or was the search and seizure valid because defendant expressly consented to chemical testing when he applied for a driver's license (see Veh. Code, § 13384) or because defendant was "deemed to have given his consent" under California's implied consent law (Veh. Code, § 23612)? (2) Did the People forfeit their claim that defendant expressly consented? (3) If the warrantless blood sample was unreasonable, does the good faith exception to the exclusionary rule apply because law enforcement reasonably relied on Vehicle Code section 23612 in securing the sample?

**#16-197 *Ayers v. Commission on Judicial Performance*, S233333.** Original proceeding. The court issued an alternative writ of mandate directing the Commission on Judicial Performance to withdraw the advisory letter issued to petitioner or to show cause why the relief sought in the petition should not be granted.

**#16-198 *Sweetwater Union School Dist. v. Gilbane Building Co.*, S233526.** (D067383; 245 Cal.App.4th 19; San Diego County Superior Court; 37-2014-00025070-CU-MC-CTL.) Petition for review after the Court of Appeal affirmed an order denying a special motion to strike in a civil action. This case presents the following issues: (1) Is testimony given in a criminal case by persons who are not parties in a subsequent civil action admissible in that action to oppose a special motion to strike? (2) Is such testimony subject to the conditions in Evidence Code section 1290 et seq. for receiving former testimony in evidence?

**#16-199 *T.H. v. Novartis Pharmaceuticals Corp., S233898.*** (D067839; 245 Cal.App.4th 589; San Diego County Superior Court; 37-2013-00070440-CU-MM-CTL.) Petition for review after the Court of Appeal reversed an order in a civil action. The court limited review to the following issue: May the brand name manufacturer of a pharmaceutical drug that divested all ownership interest in the drug be held liable for injuries caused years later by another manufacturer's generic version of that drug?

**#16-200 *People v. Aguayo, S234284.*** (A144051; nonpublished opinion; Solano County Superior Court; VCR219459.) Petition for review after the Court of Appeal affirmed an order denying a petition to recall sentence.

**#16-201 *People v. Solis, S234150.*** (B262149; 245 Cal.App.4th 1099; Los Angeles County Superior Court; LA069964.) Petition for review after the Court of Appeal affirmed an order denying a petition to recall sentence.

The court ordered briefing in *Aguayo* and *Solis* 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?

**#16-202 *People v. Barnes, S234160.*** (H041943; nonpublished opinion; Santa Clara County Superior Court; C1364563.) Petition for review after the Court of Appeal affirmed an order denying a petition to recall sentence.

**#16-203 *People v. Gonzalez, S234270.*** (B266516; nonpublished opinion; Los Angeles County Superior Court; VA139815-01.) Petition for review after the Court of Appeal reversed a judgment of conviction of a criminal offense.

**#16-204 *People v. Helm, S233737.*** (A144595; nonpublished opinion; Marin County Superior Court; SC174724A.) Petition for review after the Court of Appeal affirmed an order denying a petition to recall sentence.

**#16-205 *People v. Hill, S234180.*** (B262390; nonpublished opinion; Los Angeles County Superior Court; KA099731.) Petition for review after the Court of Appeal affirmed an order denying a petition to recall sentence.

**#16-206 *People v. Ramirez, S234325.*** (H042374; nonpublished opinion; Santa Clara County Superior Court; C1484940.) Petition for review after the Court of Appeal affirmed an order denying a petition to recall sentence.

The court ordered briefing in *Barnes, Gonzalez, Helm, Hill, and Ramirez* deferred pending decision in *People v. Romanowski*, S231405 (#16-24), which present 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)?

**#16-207 *People v. Bolander*, S234322.** (B266510; nonpublished opinion; Ventura County Superior Court; 2012019195.) Petition for review after the Court of Appeal affirmed an order granting a petition to recall sentence.

**#16-208 *People v. Reyes*, S234155.** (B265038; nonpublished opinion; Ventura County Superior Court; 2010039576.) Petition for review after the Court of Appeal affirmed an order granting a petition to recall sentence.

The court ordered briefing in *Bolander* and *Reyes* 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?

**#16-209 *People v. Brown*, S234049.** (B261595, B264335; nonpublished opinion; Los Angeles County Superior Court; GA091665.) Petition for review after the Court of Appeal affirmed orders denying a petition to recall sentence and denying a request for resentencing.

**#16-210 *People v. Cisneros*, S234078.** (B263694; nonpublished opinion; Ventura County Superior Court; 2012023176.) Petition for review after the Court of Appeal affirmed an order denying a petition to recall sentence.

**#16-211 *People v. Hall*, S234072.** (B260628; nonpublished opinion; Ventura County Superior Court; 2012031834, 2012024033.) Petition for review after the Court of Appeal dismissed an appeal as moot in part and otherwise affirmed an order denying a petition to recall sentence.

**#16-212 *People v. Keeney*, S234075.** (B263283; nonpublished opinion; San Luis Obispo County Superior Court; F486996.) Petition for review after the Court of Appeal affirmed an order denying a petition to recall sentence.

**#16-213 *People v. King*, S234196.** (C078991; nonpublished opinion; Butte County Superior Court; CM027301, CM030740, CM035962.) Petition for review after the Court of Appeal affirmed an order granting in part and denying in part a petition to recall sentence.

The court ordered briefing in *Brown, Cisneros, Hall, Keeney, and King* 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?

**#16-214 *People v. Florez*, S234168.** (H040327; nonpublished opinion; Santa Clara County Superior Court; C9890809.) Petition for review after the Court of Appeal affirmed an order denying a petition to recall sentence.

**#16-215 *People v. Sauls*, S234275.** (F069709; nonpublished opinion; Kern County Superior Court; SC074150A.) Petition for review after the Court of Appeal affirmed an order denying a petition to recall sentence.

The court ordered briefing in *Florez* and *Sauls* 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)?

**#16-216 *People v. Kozee-Stoltz*, S233845.** (D069073; nonpublished opinion; Riverside County Superior Court; SWF1201090.) Petition for review after the Court of Appeal affirmed in part and reversed in part judgments of conviction of criminal offenses. The court ordered briefing deferred pending decision in *People v. Mateo*, S232674 (#16-147), which presents the following issue: In order to convict an aider and abettor of attempted willful, deliberate and premeditated murder under the natural and probable consequences doctrine, must a premeditated attempt to murder have been a natural and probable consequence of the target offense? In other words, should *People v. Favor* (2012) 54 Cal.4th 868 be reconsidered in light of *Alleyne v. United States* (2013) \_\_\_ U.S. \_\_\_ [113 S.Ct. 2151] and *People v. Chiu* (2014) 59 Cal.4th 155?

**#16-217 *People v. Sanchez*, S233774.** (D067336; nonpublished opinion; San Diego County Superior Court; SCN248486.) Petition for review after the Court of Appeal affirmed a judgment of conviction of criminal offenses. The court ordered briefing deferred pending finality of decision in *People v. Franklin* (May 26, 2016, S217699) \_\_\_ Cal.4th \_\_\_, 2016 WL 3017136, which addressed the effect of Penal Code section 3051 on constitutional challenges to lengthy indeterminate sentences imposed on juvenile offenders.

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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.*