



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 June 20, 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.]*

**#16-225 *Hernandez v. Restoration Hardware, Inc.*, S233983.** (D067091; 245 Cal.App.4th 651; San Diego County Superior Court; 37-2008-00094395-CU-BT-CTL.) Petition for review after the Court of Appeal dismissed an appeal in a civil action. This case presents the following issue: Must an unnamed class member intervene in the litigation in order to have standing to appeal? (See *Eggert v. Pac. States S. & L. Co.* (1942) 20 Cal.2d 199.)

**#16-226 *People v. Herrin*, S234590.** (A144157; nonpublished opinion; Sonoma County Superior Court; SCR645719.) Petition for review after the Court of Appeal affirmed an order grant in part and denying in part a petition to recall sentence. The court ordered briefing 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)?

**#16-227 *People v. Lauer*, S234515.** (E063650; nonpublished opinion; San Bernardino County Superior Court; FVI015913, FVI019883.) 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. 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?

**#16-228 *People v. Magana*, S234518.** (E061955; nonpublished opinion; Riverside County Superior Court; RIF1300942, SWF029531.) 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. Maita*, S230957 (#16-40), which concerns whether the defendant's sentence was improperly enhanced with a prior conviction for transporting a controlled substance, since Health and Safety Code section 11379 had been amended after the date of that conviction to exclude transportation for personal use and limit the statute to transportation for sale, and *People v. Martinez*, S231826, which concerns whether a petition to recall sentence under Penal Code section 1170.18 can be used to request the trial court to reduce a prior felony conviction for transportation of a controlled substance to a misdemeanor in light of the 2013 amendment to Health and Safety Code section 11379.

#### **DISPOSITION**

Review in the following case was dismissed as moot:

**#16-33 *In re Tyler R.*, S231144.**

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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.*