



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@courts.ca.gov), 415-865-7740

FOR IMMEDIATE RELEASE

June 28, 2019

Summary of Cases Accepted and Related Actions During Week of June 24, 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.]

#19-74 *People v. Chatman*, S255235. (A151408; 33 Cal.App.5th 60; Contra Costa County Superior Court; 51618479, 51619709.) Petition for review after the Court of Appeal modified and affirmed a judgment of conviction of criminal offenses.

#19-75 *People v. Weir*, S255212. (D073626; 33 Cal.App.5th 868; San Diego County Superior Court; SCD273683, SCD259797.) Petition for review after the Court of Appeal affirmed a judgment of conviction of criminal offenses.

The court ordered briefing in *Chatman* and *Weir* deferred pending decision in *People v. Jimenez*, S249397 (#18-99), which presents the following issue: May a felony conviction for the unauthorized use of personal identifying information of another (Pen. Code, § 530.5, subd. (a)) be reclassified as a misdemeanor under Proposition 47 on the ground that the offense amounted to Penal Code section 459.5 shoplifting?

#19-76 *People v. Rios*, S255361. (D074698; nonpublished opinion; Riverside County Superior Court; BAF1600486.) Petition for review after the Court of Appeal remanded in part and otherwise affirmed a judgment of conviction of criminal offenses. 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?

#19-77 *People v. Villalva*, S255880. (D073699; nonpublished opinion; San Diego County Superior Court; SCD271327, SCD274607.) Petition for review after the Court of Appeal remanded in part and otherwise 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?

STATUS

#19-67 *People v. Barton*, S255214. The court ordered the issue to be briefed and argued in this case limited to the following: Does a waiver of the right to appeal, included as part of a plea bargain for a stipulated sentence, bar an appeal of the sentence imposed if newly enacted legislation would otherwise be available to enable the appellant to obtain a remand for resentencing under *In re Estrada* (1965) 63 Cal.2d 740?

#19-68 *Orchard Estate Homes, Inc. v. Orchard Homeowner Alliance*, S255031. The court ordered the issue to be briefed and argued in this case limited to the following: When a trial court rules on a petition to reduce the votes required to pass an amendment to a homeowners association's covenants, conditions, and restrictions, what, if any, role should voter non-participation play in the court's decision?

#

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.