



Supreme Court of California
350 McAllister Street, San Francisco, CA 94102-4797
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NEWS RELEASE

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

FOR IMMEDIATE RELEASE

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Summary of Cases Accepted and Related Actions During Week of July 18, 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.]

#16-252 *People v. Bunnell*, S235066. (C078376; nonpublished opinion; Placer County Superior Court; 62-124374, 62-127934.) Petition for review after the Court of Appeal affirmed in part and denied in part an order denying a petition to recall sentence. The court ordered briefing deferred pending decision in *People v. Page*, S230793 (#16-28), which concerns the application of Proposition 47 to the offense of unlawful taking or driving a vehicle, and *People v. Romanowski*, S231405 (#16-24), which concerns the application of Proposition 47 to theft-related offenses such as theft of access card information.

#16-253 *People v. Cano*, S234809. (E064321; nonpublished opinion; San Bernardino County Superior Court; FSB1404830.) 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. 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)?

#16-254 *People v. DeLeon*, 234265. (A141605; nonpublished opinion; Solano County Superior Court; FCR302185.) Petition for review after the Court of Appeal modified and affirmed an order finding a violation of parole. The court ordered briefing deferred pending decision in *People v. Friday*, S218288 (#14-77), *People v. Garcia*, S218197 (#14-78), and *People v. Klatt*, 218755 (#14-79), which present the following issue: Are the conditions of probation mandated by Penal Code section 1203.067, subdivision (b), for persons convicted of specified felony sex offenses — including waiver of the

privilege against self-incrimination, required participation in polygraph examinations, and waiver of the psychotherapist–patient privilege — constitutional?

#16-255 *People v. McGhee, S235119.* (E063409; nonpublished opinion; Riverside County Superior Court; RIF1102902.) Petition for review after the Court of Appeal reversed in part affirmed an order granting a petition to recall sentence.

#16-256 *In re Valencia, S234952.* (B267134; nonpublished opinion; Los Angeles County Superior Court; PA042197.) Petition for review after the Court of Appeal denied a petition for writ of habeas corpus.

The court ordered briefing in *McGhee* and *Valencia* 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?

#16-257 *People v. Oregon, S235026.* (B266631; nonpublished opinion; Los Angeles County Superior Court; VA134653.) Petition for review after the Court of Appeal reversed an order granting a petition to recall sentence. The court ordered briefing deferred pending decision in *People v. Gonzales, S231171* (#16-39), which concerns the scope of the offense of misdemeanor shoplifting (Pen. Code, § 459.5), and *Harris v. Superior Court, S231489* (#16-60), which concerns whether the People are entitled to withdraw from a plea agreement for conviction of a lesser offense and to reinstate any dismissed counts if the defendant files a petition for recall of sentence and reduction of the conviction to a misdemeanor under Proposition 47.

#16-258 *People v. Parks, S235233.* (C078737; nonpublished opinion; San Joaquin County Superior Court; SF121420A.) Petition for review after the Court of Appeal affirmed an order granting in part and denying part a petition to recall sentence. The court ordered briefing deferred pending decision in *People v. Buycks, S231765* (#16-19), which presents the following issue: Was defendant eligible for resentencing on the penalty enhancement for committing a new felony while released on bail on a drug offense even though the superior court had reclassified the conviction for the drug offense as a misdemeanor under the provisions of Proposition 47?

#16-259 *People v. Posada, S233943.* (C079119; nonpublished opinion; Placer County Superior Court; 62081814A.) 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. Martinez, S231826* (#16-88), which presents the following issue: Could defendant use a petition for recall of sentence under Penal Code section 1170.18 to request the trial court to reduce his prior felony conviction for transportation of a

controlled substance to a misdemeanor in light of the amendment to Health and Safety Code section 11379 effected by Proposition 47?

#16-260 *People v. Young, S235134.* (E063632; nonpublished opinion; Riverside County Superior Court; SWF028989.) 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?

STATUS

#14-23 *Parker v. State of California, S215265.* The court directed the parties to file supplemental letter briefs addressing whether the passage of Senate Bill No. 1235 (2015–2016 Reg. Sess.) has rendered moot the claims raised by the plaintiffs in this matter.

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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.