



Supreme Court of California
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NEWS RELEASE

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FOR IMMEDIATE RELEASE

July 28, 2017

Summary of Cases Accepted and Related Actions During Week of July 24, 2017

[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.]

#17-231 *In re B.M., S242153.* (B277076; 10 Cal.App.5th 1292; Ventura County Superior Court; 2016025026.) Petition for review after the Court of Appeal affirmed orders in a juvenile wardship proceeding. The court limited review to the following issue: Can a butter knife with a rounded end and a serrated edge qualify as a deadly or dangerous weapon under Penal Code section 245, subdivision (a)(1)?

#17-232 *Boling v. Public Employment Relations Bd., S242034.* (D069626, D069630; 10 Cal.App.5th 853; San Diego County Superior Court; 2464-M, LA-CE-746-M, LA-CE-752-M, LA-CE-755-M, LA-CE-758-M.) Petition for review after the Court of Appeal annulled a decision of the Public Employment Relations Board. This case includes the following issues: (1) When a final decision of the Public Employment Relations Board under the Meyers-Milias-Brown Act (Gov. Code, §§ 3500 et seq.) is challenged in the Court of Appeal, what standard of review applies to the Board's interpretation of the applicable statutes and its findings of fact? (2) Is a public agency's duty to "meet and confer" under the Act limited to situations in which the agency's governing body proposes to take formal action affecting employee wages, hours, or other terms and conditions of employment?

#17-233 *People v. Guzman, S242244.* (B265937; 11 Cal.App.5th 184; Los Angeles County Superior Court; BA420611.) Petition for review after the Court of Appeal affirmed a judgment of conviction of criminal offenses. This case presents the following issue: Does the "Right to Truth-in-Evidence" provision of the California Constitution (art. I, § 28, subd. (f)(2)) abrogate Penal Code section 632, subdivision (d), which otherwise mandates the exclusion of recorded confidential communications from evidence in criminal proceedings?

#17-234 *People v. Bessette, S242198.* (D069633; nonpublished opinion; San Diego County Superior Court; SCE352903.) Petition for review after the Court of Appeal affirmed a judgment of conviction of criminal offenses.

#17-235 *People v. Castro, S242687.* (D070716; nonpublished opinion; San Diego County Superior Court; SCD266777.) Petition for review after the Court of Appeal affirmed a judgment of conviction of a criminal offense.

#17-236 *In re R.S., S242387.* (D071020; 11 Cal.App.5th 239; San Diego County Superior Court; J238506.) Petition for review after the Court of Appeal modified and affirmed orders in a juvenile wardship proceeding.

The court ordered briefing in *Bessette, Castro, and R.S.* deferred pending decision in *In re Ricardo P., S230923* (#16-41), which presents the following issue: Did the trial court err imposing an “electronics search condition” on minor as a condition of his probation when it had no relationship to the crimes he committed but was justified on appeal as reasonably related to future criminality under *People v. Olguin* (2008) 45 Cal.4th 375 because it would facilitate his supervision?

#17-237 *People v. Brady, S242202.* (G052220; nonpublished opinion; Orange County Superior Court; 06HF0623.) Petition for review after the Court of Appeal affirmed an order denying a petition to recall sentence.

#17-238 *People v. Britten, S242322.* (A143848, nonpublished opinion; San Mateo County Superior Court; SC038485A.) Petition for review after the Court of Appeal affirmed an order denying a petition to recall sentence.

#17-239 *People v. Rocha, S242325.* (B263350; nonpublished opinion; Los Angeles County Superior Court; LA028064.) Petition for review after the Court of Appeal affirmed an order denying a petition to recall sentence.

#17-240 *People v. Tucker, S242752.* (B271616; nonpublished opinion; Los Angeles County Superior Court; NA027035.) Petition for review after the Court of Appeal affirmed an order denying a petition to recall sentence.

The court ordered briefing in *Brady, Britten, Rocha, and Tucker* deferred pending finality of the decision in *People v. Valencia* (July 3, 2017, S223825, S223676) __ Cal.5th __.

#17-241 *People v. Bryant, S242249.* (B270193; nonpublished opinion; Los Angeles County Superior Court; YA042689.) 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. Frierson, S236728* (#16-362), which presents the

following issue: What is the standard of proof for a finding of ineligibility for resentencing under Proposition 36?

#17-242 *People v. Canon*, S242185. (A133342; nonpublished opinion; San Francisco County Superior Court; 209815.) Petition for review after the Court of Appeal remanded for hearing pursuant to *People v. Franklin* (2016) 63 Cal.4th 261 and otherwise affirmed a judgment of conviction of criminal offenses. The court ordered briefing deferred pending decision in *People v. Mendoza*, S241647 (#17-208), which presents the following issue: Are the provisions of Proposition 57 that eliminated the direct filing of certain juvenile cases in adult court applicable to cases not yet final on appeal?

#17-243 *People v. Long*, S242676. (C080725, C091410; nonpublished opinion; Placer County Superior Court; 62-117731, 62-125434, 62-125470.) Petition for review after the Court of Appeal affirmed an order granting part and denying in part denying a petition to recall sentence. The court ordered briefing deferred pending decision in *People v. Buycks*, S231765 (#16-19), which concerns whether a penalty enhancement for committing a new felony while released on bail on a felony charge is affected by the reclassification of the earlier offense as a misdemeanor under the provisions of Proposition 47, and *People v. Valenzuela*, S232900 (#16-97), which concerns the effect of an order reclassifying a felony as a misdemeanor under the provisions of Proposition 47 on the penalty enhancement imposed for serving a prior prison term on that conviction.

#17-244 *People v. Marquez*, S242660. (F070609; 11 Cal.App.5th 816; Tulare County Superior Court; VCF222534.) Petition for review after the Court of Appeal affirmed a judgment of conviction of a criminal offense. The court ordered briefing deferred pending decision in *People v. Mendoza*, S241647 (#17-208), which concerns whether the provisions of Proposition 57 that eliminated the direct filing of certain juvenile cases in adult court applicable to cases not yet final on appeal, and *People v. Arzate*, S238032 (#17-32) and *People v. Padilla*, S239454 (#17-34), which present issues as to the requirements under *Montgomery v. Louisiana* (2016) 577 U.S. ___, 136 S.Ct. 718, 193 L.Ed.2d 599, *Miller v. Alabama* (2012) 567 U.S. ___, 132 S.Ct. 2455, 183 L.Ed.2d 407, for imposing a sentence of life imprisonment without possibility of parole on a juvenile offender.

#17-245 *People v. Monroe*, S242744. (D070387; nonpublished opinion; San Diego County Superior Court; SCN352205, SCN352174.) Petition for review after the Court of Appeal affirmed a judgments of conviction of a criminal offense. The court ordered briefing deferred pending decision in *In re Ricardo P.*, S230923 (#16-41), which the validity of an “electronics search condition” as a condition of probation when it had no relationship to the crimes committed but was justified on appeal as reasonably related to future criminality under *People v. Olguin* (2008) 45 Cal.4th 375 because it would

facilitate supervision of the probationer, and *People v. Ruiz*, S235556, which concerns the imposition of a criminal laboratory analysis fee (Health & Saf. Code, § 11372.5, subd. (a)) and a drug program fee (Heath & Saf. Code, § 11372.7, subd. (a)).

#17-246 *People v. Trenholm*, S241882. (E065509; nonpublished opinion; San Bernardino County Superior Court; FVI022669.) Petition for review after the Court of Appeal affirmed an order denying a petition to recall sentence. The court ordered briefing deferred pending further order of the court.

DISPOSITIONS

Review in the following cases, which were granted and held for *In re Kirchner* (2017) 2 Cal.5th 1040, was dismissed:

#14-57 *In re Rainey*, S217567.

#16-262 *People v. Berg*, S235277.

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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.