



Supreme Court of California
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NEWS RELEASE

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FOR IMMEDIATE RELEASE

August 2, 2019

Summary of Cases Accepted and Related Actions During Week of July 29, 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.]

#19-100 *In re Palmer*, S256149. (A154269; 33 Cal.App.5th 1199; Riverside County Superior Court; CR29074.) Review on the court's own motion after the Court of Appeal granted relief on a petition for writ of habeas corpus. The court limited review to the following issues: (1) Did this life prisoner's continued confinement become constitutionally disproportionate under article I, section 17 of the California Constitution and/or the Eighth Amendment of the United States Constitution? (2) If this life prisoner's continued confinement became constitutionally disproportionate, what is the proper remedy?

#19-101 *People v. Booker*, S256078. (B286842; nonpublished opinion; Los Angeles County Superior Court; GA099455.) Petition for review after the Court of Appeal conditionally reversed 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?

#19-102 *People v. Fox*, S256298. (A153133; nonpublished opinion; San Francisco County Superior Court; SCN225583.) Petition for review after the Court of Appeal dismissed an appeal from a judgment of conviction of a criminal offense. The court ordered briefing deferred pending decision in *People v. Kelly*, S255145 (#19-62), and *People v. Stamps*, S255843 (#19-63), which present the following issue: Is a certificate of probable cause required for a defendant to challenge a negotiated sentence based on a subsequent ameliorative, retroactive change in the law?

#19-103 *People v. Wright*, S255996. (E069642; nonpublished opinion; San Bernardino County Superior Court; FWV17001837.) 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. Aledamat*, S248105 (#18-87), which presents the following issue: Is error in instructing the jury on both a legally correct theory of guilt and a legally incorrect one harmless if an examination of the record permits a reviewing court to conclude beyond a reasonable doubt that the jury based its verdict on the valid theory, or is the error harmless only if the record affirmatively demonstrates that the jury actually rested its verdict on the legally correct theory?

DISPOSITIONS

The following cases were transferred for reconsideration in light of *In re Cook* (2019) 7 Cal.5th 439:

#17-339 <i>In re Villalobos</i>, S244465.	(B279545; nonpublished opinion; Los Angeles County Superior Court; MA040107)
#19-19 <i>In re Montes</i>, S252994.	(E069533; nonpublished opinion; San Bernardino County Superior Court; FVI012901, WHCJS1700300)
#19-29 <i>In re Corothers</i>, S253939.	(D074508; nonpublished opinion; San Diego County Superior Court; SCN040304)

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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.