



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 August 8, 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.]

#16-268 *Caretto v. Superior Court*, S235419. (B265256; nonpublished opinion; Los Angeles County Superior Court; BA384603.) Petition for review after the Court of Appeal denied a petition for peremptory writ of mandate. This case presents the following issue: What is the value of an unused stolen debit card for the purpose of distinguishing between misdemeanor and felony receiving stolen property in violation of Penal Code section 496, subdivision (a)?

#16-269 *Kurwa v. Kislinger*, S234617. (B264641; nonpublished opinion; Los Angeles County Superior Court; KC045216.) Petition for review after the Court of Appeal dismissed an appeal in a civil action. This case presents the following issue: Can plaintiff take an appeal in the current posture of this litigation?

#16-270 *In re A.C.*, S235565. (A145615; nonpublished opinion; Alameda County Superior Court; SJ1502494601.) Petition for review after the Court of Appeal modified and affirmed orders in a juvenile wardship proceeding. The court ordered briefing 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?

#16-271 *People v. Avila*, S235590. (F069183; nonpublished opinion; Fresno County Superior Court; CF95538381.) Petition for review after the Court of Appeal affirmed an order denying a petition to recall sentence.

#16-272 *People v. Campos, S235494.* (B265831; nonpublished opinion; Los Angeles County Superior Court; BA159653.) Petition for review after the Court of Appeal affirmed an order denying a petition to recall sentence.

#16-273 *People v. Hanson, S235186.* (F069682; nonpublished opinion; Kern County Superior Court; SC068162A.) Petition for review after the Court of Appeal affirmed an order denying a petition to recall sentence.

#16-274 *People v. Hellon, S235716.* (C075511; nonpublished opinion; Butte County Superior Court; CM016207, CM016216.) Petition for review after the Court of Appeal affirmed an order denying a petition to recall sentence.

The court ordered briefing in *Avila, Campos, Hanson, and Hellon* deferred pending decision in *People v. Chaney, S223676* (#15-13), and *People v. Valencia, S223825* (#15-14), which present the following issue: Does the definition of “unreasonable risk of danger to public safety” (Pen. Code, § 1170.18, subd. (c)) under Proposition 47 (“the Safe Neighborhoods and Schools Act”) apply on retroactivity or other grounds to resentencing under the Three Strikes Reform Act of 2012 (Pen. Code, § 1170.126)?

#16-275 *People v. Bazley, S235497.* (H041964; nonpublished opinion; Santa Clara County Superior Court; 114129, 114130.) Petition for review after the Court of Appeal affirmed an order denying a petition to recall sentence.

#16-276 *People v. Ramos, S235713.* (G051359; nonpublished opinion; Orange County Superior Court; 11CF1509.) Petition for review after the Court of Appeal affirmed an order denying a petition to recall sentence.

The court ordered briefing in *Bazley* and *Ramos* 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)?

#16-277 *People v. Contreras, S235688.* (H042360; nonpublished opinion; Monterey County Superior Court; SS131149B.) Petition for review after the Court of Appeal affirmed an order denying a petition to recall sentence.

#16-278 *People v. Littrell, S235563.* (F069661; nonpublished opinion; Kern County Superior Court; SC066590A.) Petition for review after the Court of Appeal affirmed an order denying a petition to recall sentence.

The court ordered briefing in *Contreras* and *Littrell* deferred pending decision in *People v. DeHoyos*, S228230 (#15-171), which presents the following issue: Does the Safe Neighborhood and Schools Act [Proposition 47] (Gen. Elec. (Nov. 4, 2014)), which made specified crimes misdemeanors rather than felonies, apply retroactively to a defendant who was sentenced before the Act's effective date but whose judgment was not final until after that date?

#16-279 *People v. Hamilton*, S234559. (B256760; nonpublished opinion; Los Angeles County Superior Court; BA381749.) Petition for review after the Court of Appeal affirmed judgments of conviction of criminal offenses. The court ordered briefing deferred pending decision in *People v. Mateo*, S232674 (#16-147), which presents the following issue: In order to convict an aider and abettor of attempted willful, deliberate and premeditated murder under the natural and probable consequences doctrine, must a premeditated attempt to murder have been a natural and probable consequence of the target offense? In other words, should *People v. Favor* (2012) 54 Cal.4th 868 be reconsidered in light of *Alleyne v. United States* (2013) ___ U.S. ___ [113 S.Ct. 2151] and *People v. Chiu* (2014) 59 Cal.4th 155?

#16-280 *People v. Hawkins*, S234995. (E063648; nonpublished opinion; San Bernardino County Superior Court; FVI024842.) 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?

#16-281 *People v. Linneman*, S235166. (E064214; nonpublished opinion; San Bernardino County Superior Court; FSB901059.) Petition for review after the Court of Appeal affirmed an order denying a petition to recall sentence.

#16-282 *People v. Walker*, S235529. (B265609; nonpublished opinion; Los Angeles County Superior Court; BA398731.) Petition for review after the Court of Appeal affirmed an order denying a post-conviction motion for resentencing.

The court ordered briefing in *Linneman* and *Walker* 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?

#16-283 *People v. McNulty*, S235695. (D068554; nonpublished opinion; San Diego County Superior Court; SCD237463.) Petition for review after the Court of Appeal reversed an order denying a petition to recall sentence. The court ordered briefing deferred pending decision in *People v. Gonzales*, S231171 (#16-39), which presents the following issue: Was defendant entitled to resentencing under Penal Code section 1170.18 on his conviction for second degree burglary either on the ground that it met the definition of misdemeanor shoplifting (Pen. Code, § 459.5) or on the ground that section 1170.18 impliedly includes any second degree burglary involving property valued at \$950 or less?

#16-284 *People v. Orozco*, S235603. (D067313; nonpublished opinion; San Diego County Superior Court; SCN335521.) 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. 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.

DISPOSITIONS

Review in the following cases, in which briefing was previously deferred pending further order of the court and decision in *In re Alariste*, S214652 (#14-21), and *In re Bonilla*, S214960 (#14-22), was dismissed in light of *Montgomery v. Louisiana* (2016) 136 S.Ct. 718:

#15-47 *In re Wilson*, S224745.

#15-106 *In re Willover*, S226523.

STATUS

#14-57 *In re Rainey*, S217567. In this case, in which briefing was previously deferred pending further order of the court and decision in *In re Alariste*, S214652 (#14-21), and *In re Bonilla*, S214960 (#14-22), the court ordered briefing deferred pending decision in *In re Kirchner*, S233508 (#16-168), which presents the following issue: When a juvenile offender seeks relief from a life-without-parole sentence that has become final, does Penal Code section 1170, subdivision (d)(2), which permits most juvenile offenders to petition for recall of a life-without-parole sentence imposed pursuant to Penal Code section 190.5 after 15 years, provide an adequate remedy under *Miller v. Alabama* (2012) 567 U.S. ___ [132 S.Ct. 2455], as recently construed in *Montgomery v. Louisiana* (2016) 577 U.S. ___ [136 S.Ct. 718]?

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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.