



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

August 23, 2019

Summary of Cases Accepted and Related Actions During Week of August 19, 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.]

#19-118 *Han v. Hallberg*, S256659. (B268380, B271185; 35 Cal.App.5th 621; Los Angeles County Superior Court; SC114026.) Petition for review after the Court of Appeal reversed the judgment in a civil action. The court limited review to the following issues: (1) Can a trust be a partner in a partnership? (2) Does the death of a partner who has transferred his partnership interest to a trust trigger the buyout-on-death term in the partnership agreement?

#19-119 *Molina v. Superior Court*, S256394. (G056530; 35 Cal.App.5th 531; Orange County Superior Court; 02CF0701.) Petition for review after the Court of Appeal denied a petition for peremptory writ of mandate. This case presents the following issue: Did the Court of Appeal err in ruling that petitioner could not seek relief by petition for writ of mandate from a concededly invalid conviction (see *People v. Rodriguez* (2012) 55 Cal.4th 1125) under Penal Code section 186.22, subdivision (a)?

#19-120 *Patterson v. Padilla*, S257302. Original proceeding. The court issued an order to show cause regarding the requirement in Elections Code sections 6883 and 6884 that candidates for a party's nomination to be the President of the United States disclose their tax returns in order to be listed on the ballot for the primary election. In addition to addressing issues relating to what relief, if any, the court should order, the parties were directed to address: (1) the legislative history of Proposition 4 (Ballot Pamp., Primary Elec. (June 6, 1972), analysis of Prop. 4 by Legis. Counsel, pp. 9-10; *id.*, arguments in favor of, and opposing, pp. 10-11; Sen. Const. Amend. No. 3, Stats. 1971 (1971 1st Ex. Sess.) res. ch. 274, p. 4868), as well as related legislation contemporaneous to SCA 3, and prior related legislation; and (2) any guidelines, including internal measures and

protocols, that the Secretary of State has employed in the intervening decades to assess who is a “recognized” candidate for purposes of California Constitution, article II, section 5.

#19-121 *People v. Raybon, S256978.* (C084853, C084911, C084960, C084964, C085101; 36 Cal.App.5th 111; Sacramento County Superior Court; 09F08248, 13F03230, 08F07402, 12F00411, 06F11185.) Petition for review after the Court of Appeal reversed orders denying petitions to recall sentence. This case presents the following issue: Did Proposition 64 [the “Adult Use of Marijuana Act”] decriminalize the possession of up to 28.5 grams of marijuana by adults 21 years of age or older who are in state prison as well as those not in prison?

#19-122 *People v. Duenas, S256866.* (B288392; nonpublished opinion; Los Angeles County Superior Court; KA088870.) 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?

#19-123 *Gutierrez v. Superior Court, S256448.* (G056533; nonpublished opinion; Orange County Superior Court; 04CF2787.) Petition for review after the Court of Appeal denied a petition for peremptory writ of mandate.

#19-124 *Martin v. Superior Court, S256423.* (G056537; nonpublished opinion; Orange County Superior Court; 07NF1367.) Petition for review after the Court of Appeal denied a petition for peremptory writ of mandate.

#19-125 *Preciado v. Superior Court, S256449.* (G056536; nonpublished opinion; Orange County Superior Court; 04CF0599.) Petition for review after the Court of Appeal denied a petition for peremptory writ of mandate.

#19-126 *Preciado v. Superior Court, S256460.* (G056534; nonpublished opinion; Orange County Superior Court; 08HF1052.) Petition for review after the Court of Appeal denied a petition for peremptory writ of mandate.

#19-127 *Sotomayor v. Superior Court, S256431.* (G056532; nonpublished opinion; Orange County Superior Court; 01CF0152.) Petition for review after the Court of Appeal denied a petition for peremptory writ of mandate.

The court ordered briefing deferred in *Gutierrez, Martin*, the *Preciado* cases, and *Sotomayor* pending decision in *Molina v. Superior Court*, S256394 (#19-119), which presents the following issue: Did the Court of Appeal err in ruling that petitioner could not seek relief by petition for writ of mandate from a concededly invalid conviction (see *People v. Rodriguez* (2012) 55 Cal.4th 1125) under Penal Code section 186.22, subdivision (a)?

#19-128 *People v. Reynolds, S256082.* (G055864; nonpublished opinion; Orange County Superior Court; 14CF1132.) 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. 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?

#19-129 *People v. Salcido, S256283.* (E067578; 34 Cal.App.5th 1092; Riverside County Superior Court; INF1501474.) Petition for review after the Court of Appeal affirmed a judgment of conviction of criminal offenses. The court ordered briefing deferred pending decision in *In re Ricardo P.*, S230923 (#16-41) and *People v. Trujillo*, S244650 (#17-335), which present issues concerning the imposition of an “electronics search condition” of probation if the devices subject to the condition had no relationship to the crime or crimes committed and use of the devices would not itself involve criminal conduct, but access to the devices might facilitate supervision of the probationer.

#19-130 *People v. Vaughn, S256233.* (F074750; nonpublished opinion; Kern County Superior Court; DF012306A, DF012306B.) Petition for review after the Court of Appeal reversed in part as to one defendant and otherwise affirmed judgments of conviction of criminal offenses. The court ordered briefing deferred pending decision in *People v. Raybon*, S256798 (#19-121), which presents the following issue: Did Proposition 64 [the “Adult Use of Marijuana Act”] decriminalize the possession of up to 28.5 grams of marijuana by adults 21 years of age or older who are in state prison [as well as those not in prison]?

###

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.