



Supreme Court of California
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NEWS RELEASE

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FOR IMMEDIATE RELEASE

August 31, 2018

Summary of Cases Accepted and Related Actions During Week of August 27, 2018

[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.]

#18-116 *Reilly v. Marin Housing Authority*, S249593. (A149918; 23 Cal.App.5th 425; Marin County Superior Court; CIV1503896.) Petition for review after the Court of Appeal affirmed the judgment in an action for writ of administrative mandate. This case presents the following issue: Are payments by the state In-Home Supportive Services program to family members for services they provide to relatives with developmental disabilities excluded from income under 24 Code of Federal Regulations section 5.609(c)(16) in determining eligibility for Section 8 housing?

#18-117 *People v. Brooks*, S249617. (A147410; 23 Cal.App.5th 932; Contra Costa County Superior Court; 51513811.) 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. Calavano*, S242474 (#17-247), which presents the following issue: Did the trial court abuse its discretion by ordering defendant to pay restitution to cover the cost of the victim's increased residential security measures, although defendant was not convicted of committing a violent felony? (See Pen. Code, § 1202.4(f)(3)(J).)

#18-118 *People v. Cortinas*, S250093. (H042043; nonpublished opinion; Santa Clara County Superior Court; C1370576.) 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. Orozco*, S249495 (#18-108), which presents the following issue: Can a felony conviction for receiving a stolen vehicle in violation of Penal Code section 496d be reclassified as a misdemeanor under Proposition 47 in light of Penal Code section 496, subdivision (a), which provides that receiving other stolen property is a misdemeanor when the value of the property does not exceed \$950?

#18-119 *People v. Vannesse*, S249428. (B283857; 23 Cal.App.5th 440; Ventura County Superior Court; 2015000120.) Petition for review after the Court of Appeal affirmed an order denying a motion to suppress evidence. The court ordered briefing deferred pending decision in *People v. Arredondo*, S233582 (#16-196), which presents the following issues: (1) Did law enforcement violate the Fourth Amendment by taking a warrantless blood sample from defendant while he was unconscious, or was the search and seizure valid because defendant expressly consented to chemical testing when he applied for a driver's license (see Veh. Code, § 13384) or because defendant was "deemed to have given his consent" under California's implied consent law (Veh. Code, § 23612)? (2) Did the People forfeit their claim that defendant expressly consented? (3) If the warrantless blood sample was unreasonable, does the good faith exception to the exclusionary rule apply because law enforcement reasonably relied on Vehicle Code section 23612 in securing the sample?

DISPOSITIONS

The following cases were transferred for reconsideration in light of *People v. Gallardo* (2018) 4 Cal.5th 120:

#16-139 <i>People v. Hollimon</i>, S232861	(G050259; nonpublished opinion; Orange County Superior Court; 13WF0274)
#16-370 <i>People v. McCaw</i>, S236618	(B266497; 1 Cal.App.5th 471; Los Angeles County Superior Court; GA08259)
#17-30 <i>People v. Laster</i>, S238630	(B265970; nonpublished opinion; Los Angeles County Superior Court; BA431487)
#17-56 <i>People v. Eslava</i>, S239061	(A142881; 5 Cal.App.5th 598; San Francisco County Superior Court; SCN216995)
#17-260 <i>People v. Vantuinen</i>, S242432	(B261581; nonpublished opinion; Los Angeles County Superior Court; BA415000)

Review in the following cases was dismissed in light of *People v. Gallardo* (2018) 4 Cal.5th 120:

#17-68 <i>People v. Johnson</i>, S238765	(D068437; nonpublished opinion; San Diego County Superior Court; SCD237392, SCD233933)
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The following case was transferred for reconsideration in light of *People v. Superior Court (Lara)* (2018) 4 Cal.5th 299 and Senate Bill No. 620 (Stats. 2017, ch. 682):

#17-43 <i>People v. Santana</i>, S238242	(B261900; nonpublished opinion; Los Angeles County Superior Court; BA373501)
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The following case was transferred for reconsideration in light of *People v. Superior Court (Lara)* (2018) 4 Cal.5th 299:

#18-28 <i>People v. Navarra</i>, S245513	(F071142; 16 Cal.App.5th 173; Stanislaus County Superior Court; MCR030669A?)
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Review in the following cases was dismissed as moot in light of Senate Bill No. 394 (Stats 2017, ch. 684):

#17-70 <i>People v. Lewis</i>, S238962	(D068311; nonpublished opinion; Riverside County Superior Court; INF058881)
#17-313 <i>People v. Hodge</i>, S244138	(B264853; nonpublished opinion; Los Angeles County Superior Court; NA016955)
#18-30 <i>People v. Cordova</i>, S246421	(D071710; nonpublished opinion; Riverside County Superior Court; SWF023165)
#18-36 <i>People v. Lozano</i>, S246013	(B278663; 16 Cal.App.5th 1286; Los Angeles County Superior Court; NA023984)
#18-41 <i>People v. Showell</i>, S245809	(B278462; nonpublished opinion; Los Angeles County Superior Court; BA082480)
#18-52 <i>People v. Padilla</i>, S246588	(B277715; nonpublished opinion; Los Angeles County Superior Court)TA051184
#18-71 <i>People v. McDuffy</i>, S247616	(B277418; nonpublished opinion; Los Angeles County Superior Court; TA037979)

The following cases were transferred for reconsideration in light of Senate Bill No. 394 (Stats 2017, ch. 684):

#17-82 <i>People v. Sanchez</i>, S239701	(F071824; nonpublished opinion; Fresno County Superior Court; CF94521140)
#17-93 <i>People v. Moffett</i>, S239323	(A143724; nonpublished opinion; Contra Costa County Superior Court; 050513788)

#17-161 <i>People v. Watson</i> , S240584	(D069324; 8 Cal.App.5th 496; San Diego County Superior Court; SCD215231, HC20480)
#18-29 <i>People v. Soeur</i> , S245458	(B270124; nonpublished opinion; Los Angeles County Superior Court; NA073193)

The following case was transferred for reconsideration in light of Senate Bill No. 394 (Stats 2017, ch. 684) and, if necessary, *Montgomery v. Louisiana* (2016) 577 U.S. ___, 136 S.Ct. 718, 139 L.Ed.2d 599:

#17-107 <i>People v. Meraz</i> , S239442	(B245657; 6 Cal.App.5th 1162; Los Angeles County Superior Court; PA065446)
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The following case was transferred for reconsideration in light of *People v. Superior Court (Lara)* (2018) 4 Cal.5th 299 and Senate Bill No. 394 (Stats 2017, ch. 684), and, if necessary, *Montgomery v. Louisiana* (2016) 577 U.S. ___, 136 S.Ct. 718, 139 L.Ed.2d 599:

#17-244 <i>People v. Marquez</i> , S242660	(F070609; 11 Cal.App.5th 816; Tulare County Superior Court; VCF222534)
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The following case was transferred for reconsideration in light of *People v. Gonzalez* (2018) 5 Cal.5th 186:

#18-47 <i>People v. Tabron</i> , S245912	(A144079; nonpublished opinion; Alameda County Superior Court; C172865A, C172865C, C172865D)
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STATUS

#17-75 *People v. Valenzuela*, S239122. The court requested the parties to file supplemental briefs addressing whether or not defendant's conviction under Penal Code section 186.22, subdivision (a), is a crime eligible for resentencing in light of this court's recent decisions in *People v. Buycks* (July 30, 2018, S231765) __ Cal.5th __ and *People v. Page* (2017) 3 Cal.5th 1175, 1184-1185, and, if so, whether or not defendant is entitled to retroactive relief under the authority of *In re Estrada* (1965) 63 Cal.2d 740, as applied in *People v. DeHoyos* (2018) 4 Cal.5th 594 and *People v. Davis* (2016) 246 Cal.App.4th 127.

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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.