



[Supreme Court of California](#)
350 McAllister Street, San Francisco, CA 94102-4797

NEWS RELEASE

Contact: [Cathal Conneely](#), 415-865-7740

FOR IMMEDIATE RELEASE

September 14, 2015

Summary of Cases Accepted and Related Actions During Week of September 7, 2015 (Amended)

[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.]

#15-157 *People v. Hall, S227193.* (A141278; 236 Cal.App.4th 1124; Contra Costa County Superior Court; 51315225.) Petition for review after the Court of Appeal affirmed a judgment of conviction of a criminal offense. This case presents the following issues: (1) Are probation conditions prohibiting defendant from: (a) “owning, possessing or having in his custody or control any handgun, rifle, shotgun or any firearm whatsoever or any weapon that can be concealed on his person”; and (b) “using or possessing or having in his custody or control any illegal drugs, narcotics, narcotics paraphernalia without a prescription,” unconstitutionally vague? (2) Is an explicit knowledge requirement constitutionally mandated?

#15-158 *In re Martinez, S226596.* (D066705; nonpublished opinion; San Diego County Superior Court; SCD224457.) Petition for review after the Court of Appeal denied a petition for writ of habeas corpus. This case presents the following issue: Is petitioner entitled to relief under *People v. Chiu* (2014) 59 Cal.4th 155?

#15-159 *People v. Ford, S228250.* (A138848; nonpublished opinion; Sonoma County Superior Court; SCR32085.) Petition for review after the Court of Appeal affirmed an order denying a petition to recall sentence.

#15-160 *People v. Harmon, S227862.* (E060808; nonpublished opinion; Riverside County Superior Court; RIF109651.) Petition for review after the Court of Appeal affirmed an order denying a petition to recall sentence.

The court ordered briefing in *Ford* and *Harmon* 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)?

#15-161 *People v. Hernandez*, S227457. (C068079, C068517; nonpublished opinion; San Joaquin County Superior Court; SF113661B, SF113661C.) Petition for review after the Court of Appeal affirmed judgments of conviction of criminal offenses. The court ordered briefing deferred pending finality of decision in *People v. Prunty*, S210234, which presented issues regarding the required showing before multiple subsets of the Norteños could be treated as a whole for the purpose of determining whether a group constitutes a criminal street gang within the meaning of Penal Code section 186.22, subdivision (f).

#15-162 *People v. Ricardez*, S227659. (D064561; nonpublished opinion; San Diego County Superior Court; SCN303431.) Petition for review after the Court of Appeal remanded for resentencing and otherwise affirmed a judgment of conviction of criminal offenses. The court ordered briefing deferred pending decision in *People v. Franklin*, S217699 (#14-56), which includes the following issues: (1) Is a total term of imprisonment of 50 years to life for murder committed by a 16-year-old offender the functional equivalent of life without possibility of parole by denying the offender a meaningful opportunity for release on parole? (2) If so, does the sentence violate the Eighth Amendment absent consideration of the mitigating factors for juvenile offenders set forth in *Miller v. Alabama* (2012) 567 U.S. ___ [132 S.Ct. 2455]? (3) Did Senate Bill 260 (Reg. Sess. 2013-2014), which includes provisions for a parole suitability hearing after a maximum of 25 years for most juvenile offenders serving life sentences, render moot any claim that such a sentence violates the Eighth Amendment?

#15-163 *People v. Rosas*, S227611. (H038879; nonpublished opinion; Santa Cruz County Superior Court; WF00933.) Petition for review after the Court of Appeal affirmed in part and reversed in part a judgment of conviction of criminal offenses. The court ordered briefing deferred pending decision in *People v. Sanchez*, S216681 (#14-47), which presents the following issue: Was defendant’s Sixth Amendment right to confrontation violated by the gang expert’s reliance on testimonial hearsay (*Crawford v. Washington* (2004) 541 U.S. 36)?

DISPOSITION

The following case was transferred for reconsideration in light of *People v. Superior Court (Johnson)* (2015) 61 Cal.4th 696:

#15-03 *People v. Coleman*, S222929.

STATUS

People v. Jones, S009141. The court ordered the parties to address whether the petition for writ of habeas corpus submitted by Attorney Joseph Schlesinger on behalf of the defendant should be filed.

#

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.