



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

September 20, 2019

Summary of Cases Accepted and Related Actions During Week of September 16, 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.]

#19-152 *People v. Espana*, S257407. (H046062; nonpublished opinion; Santa Clara County Superior Court; C1361295.) 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. 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?

#19-153 *People v. McShane*, S257018. (E069547; 36 Cal.App.5th 245; San Bernardino County Superior Court; FRE05916.) Petition for review after the Court of Appeal remanded in part and otherwise affirmed a judgment of conviction of a criminal offense. 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?

DISPOSITIONS

The following case, which was granted and held for *People v. Canizales* (2019) 7 Cal.5th 591, was transferred for reconsideration in light of Senate Bill No. 620 (Stats. 2017, ch. 682):

#16-263 <i>People v. Cardona</i>, S234660.	(B261458; 246 Cal.App.4th 608; Los Angeles County Superior Court; VA116734.
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The following case was transferred for reconsideration in light of *People v. Canizales* (2019) 7 Cal.5th 591, *People v. Perez* (2016) 3 Cal.5th 612, and Senate Bill No. 620 (Stats. 2017, ch. 682):

#17-135 <i>People v. Kennedy</i> , S240321.	(B264661; nonpublished opinion; Los Angeles County Superior Court; NA092421.)
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The following case was transferred for reconsideration in light of *People v. Canizales* (2019) 7 Cal.5th 591, Senate Bill No. 620 (Stats. 2017, ch. 682), and Senate Bill No. 1393 (Stats. 2018, ch. 1013):

#17-308 <i>People v. Ratcliffe</i> , S243919.	(E063690; nonpublished opinion; Riverside County Superior Court; RIF1103874)
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Review in the following case, which was granted and held for *People v. Canizales* (2019) 7 Cal.5th 591, was dismissed:

#18-158 <i>People v. Stevenson</i> , S251071.	(A143337, A143415, A143477; 25 Cal.App.5th 974; Alameda County Superior Court; CH54908A, CH54908B, CH54908C)
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The following case was transferred for reconsideration in light of *People v. Canizales* (2019) 7 Cal.5th 591:

#19-48 <i>People v. Casique</i> , S254482.	(B284945; nonpublished opinion; Los Angeles County Superior Court; MA065906)
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The following case was transferred for reconsideration in light of *People v. Valenzuela* (2019) 7 Cal.5th 415:

#17-152 <i>People v. Pham</i> , S240522.	(G051849; nonpublished opinion; Orange County Superior Court; 11WF2969.)
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The following case was dismissed in light of the passage of Proposition 11, the Emergency Ambulance Employee Safety and Preparedness Act (Gen. Elec. (Nov. 6, 2018)):

#18-51 <i>Stewart v. San Luis Ambulance, Inc.</i> , S246255.	(9th Cir. No. 15-56943; 878 F.3d 883; Central District of California; No. 2:13-cv-09458-BRO-SS)
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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.