



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

October 11, 2019

Summary of Cases Accepted and Related Actions During Week of October 7, 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.]

#19-157 *Rivera v. Kent*, S257304. (A147534; 37 Cal.App.5th 529; Alameda County Superior Court; RG14740911.) Petition for review after the Court of Appeal reversed the judgment in an action for writ of administrative mandate. The court limited review to the following issues: (1) Does the state have a mandatory duty to complete Medi-Cal eligibility determinations for all completed applications within 45 days, or does the existence of a performance standard nullify that duty? (2) Does the Department of Health Care Services have a mandatory duty to ensure adherence to Medi-Cal's timeline, even when it has delegated responsibilities to the counties?

#19-158 *People v. Barrios*, S257256. (E069418; nonpublished opinion; San Bernardino County Superior Court; FSB1401341.) Petition for review after the Court of Appeal affirmed a judgment of conviction of a criminal offense.

#19-159 *People v. Weaver*, 257049. (H045301; 36 Cal.App.5th 1103; Santa Cruz County Superior Court; 16CR04023.) Petition for review after the Court of Appeal conditionally reversed a judgment of conviction of criminal offenses.

The court ordered briefing in *Barrios* and *Weaver* 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?

#19-160 *People v. Hunt, S257179.* (C080811; nonpublished opinion; Sacramento County Superior Court; 15F01299.) Petition for review after the Court of Appeal affirmed in part and reversed in part a judgment of conviction of criminal offenses.

#19-161 *People v. Pizana, S257746.* (F075805; nonpublished opinion; Fresno County Superior Court; F16907705.) 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 in *Hunt* and *Pizana* 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?

#19-162 *People v. Omega, S257165.* (C085437; nonpublished opinion; El Dorado County Superior Court; P15CRF0067.) 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. Gentile, S256698* (#19-141), which presents the following issues: (1) Does the amendment to Penal Code section 188 by recently enacted Senate Bill No. 1437 eliminate second degree murder liability under the natural and probable consequences doctrine? (2) Does Senate Bill No. 1437 apply retroactively to cases not yet final on appeal? (3) Was it prejudicial error to instruct the jury in this case on natural and probable consequences as a theory of murder?

DISPOSITION

The following case was transferred with directions to rule on the defendant's motion for a limited remand:

#19-109 <i>People v. Meeks, S256825.</i>	(B289806; nonpublished opinion; Los Angeles County Superior Court; BA455087)
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STATUS

In the following case, in which review was previously granted, the court ordered briefing deferred pending decision in *People v. Stamps, S255843* (#19-63), which presents 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?

#19-62 <i>People v. Kelly, S255145.</i>	(B291220; 32 Cal.App.5th 1013; Ventura County Superior Court; 2017008225)
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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.