



Supreme Court of California
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NEWS RELEASE

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FOR IMMEDIATE RELEASE

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Summary of Cases Accepted and Related Actions During Week of October 8, 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.]

#18-134 *B.B. v. County of Los Angeles*, S250734. (B264946; 25 Cal.App.5th 115, mod. 25 Cal.App.5th 1006a; Los Angeles County Superior Court; TC027341, TC027438, BC505918.) Petition for review after the Court of Appeal affirmed in part and reversed in part the judgment in a civil action. This case presents the following issue: May a defendant who commits an intentional tort invoke Civil Code section 1431.2, which limits a defendant's liability for non-economic damages "in direct proportion to that defendant's percentage of fault," to have his liability for damages reduced based on principles of comparative fault?

#18-135 *People v. Frazier*, S250300. (B281888; nonpublished opinion; Los Angeles County Superior Court; LA083934.) Petition for review after the Court of Appeal modified and affirmed a judgment of conviction of criminal offenses. The court limited review to the following issue: Was the trial court's failure to instruct the jury that the special circumstance required the aider and abettor harbor the intent to kill prejudicial?

#18-136 *People v. Lemcke*, S250108. (G054241; nonpublished opinion; Orange County Superior Court; 14CF3596.) Petition for review after the Court of Appeal affirmed judgments of conviction of criminal offenses. This case presents the following issue: Does instructing a jury with CALCRIM No. 315 that an eyewitness's level of certainty can be considered when evaluating the reliability of the identification violate a defendant's due process rights?

#18-137 *People v. Brayton*, S251122. (B284408; 25 Cal.App.5th 734; Ventura County Superior Court; 2016005604.) Petition for review after the Court of Appeal reversed an order denying a petition to recall sentence. The court ordered briefing deferred pending decision in *People v. Jimenez*, S249397 (#18-99), which presents the following issue:

May a felony conviction for the unauthorized use of personal identifying information of another (Pen. Code, § 530.5, subd. (a)) be reclassified as a misdemeanor under Proposition 47 on the ground that the offense amounted to Penal Code section 459.5 shoplifting?

#18-138 *People v. Jones*, S250907. (F074518; nonpublished opinion; Stanislaus County Superior Court; 1497888.) 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. 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?

#18-139 *People v. Smith*, S250628. (E068320; nonpublished opinion; San Bernardino County Superior Court; 16CR070399.) 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 *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.

DISPOSITIONS

Review in the following case was dismissed in light of *People v. DeHoyos* (2018) 4 Cal.5th 594, *People v. Valencia* (2017) 3 Cal.5th 347, and *People v. Conley* (2016) 63 Cal.4th 646:

#15-151 <i>People v. Castellano</i>, S227342.	(F066005; nonpublished opinion; Fresno County Superior Court; F11902219)
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The following cases were transferred for reconsideration in light of *People v. Buycks* (2018) 5 Cal.5th 857:

#16-123 <i>People v. Papenhausen</i>, S233021.	(C078640; nonpublished opinion; Plumas County Superior Court; CRF1101081.)
#16-136 <i>People v. Gratton</i>, S233057.	(B262219; nonpublished opinion; Los Angeles County Superior Court; MA053037.)
#16-191 <i>People v. Louder</i>, S233865.	(B265170; nonpublished opinion; Los Angeles County Superior Court; TA105295.)

#16-310 <i>People v. Rumley</i>, S236261.	(F071636, F071666; nonpublished opinion; Fresno County Superior Court; CF04909092, F13905022.)
#16-389 <i>People v. Derritt</i>, S237538.	(E064152; nonpublished opinion; San Bernardino County Superior Court; FWV1001109).
#17-57 <i>People v. Franske</i>, S239732.	(C081591; 6 Cal.App.5th 1057; Siskiyou County Superior Court; MCYKCRF101386)
#17-85 <i>People v. Baldwin</i>, S239819.	(A147588; nonpublished opinion; Del Norte County Superior Court; CRF129177.)
#17-114 <i>People v. Perez</i>, S239961.	(C081047; nonpublished opinion; Colusa County Superior Court; CR53495, CR533383)
#17-138 <i>People v. Greenlee</i>, S240563.	(B268860; nonpublished opinion; Los Angeles County Superior Court; KA055428.)
#17-153 <i>People v. Robison</i>, S240898.	(F071955; nonpublished opinion; Kern County Superior Court; BF142506A.)
#17-212 <i>People v. Bryant</i>, S242135.	(C078629; nonpublished opinion; Placer County Superior Court; 62093490A.)
#17-243 <i>People v. Long</i>, S242676.	(C080725, C091410; nonpublished opinion; Placer County Superior Court; 62-117731, 62-125434, 62-125470)
#17-340 <i>People v. Alvarez</i>, S245169.	(H043234; nonpublished opinion; Santa Cruz County Superior Court; F22948, F23933, F25028, F25120)

Review in the following case was dismissed in light of *People v. DeHoyos* (2018) 4 Cal.5th 594:

#16-439 <i>People v. Martin</i>, S238299.	(F069423; nonpublished opinion; Kern County Superior Court; BF137181A, BF152335A)
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The following case was transferred for reconsideration in light of *People v. Gonzales* (2018) 6 Cal.5th 44:

#17-58 <i>People v. Guerrero</i>, S238401.	(H041900; nonpublished opinion; Santa Clara County Superior Court; C1476320)
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The following cases were transferred to the trial court for decision pursuant to Penal Code section 1509, subdivision (g):

<i>In re Alexander, S191587.</i>	(Los Angeles County Superior Court; BA065313)
<i>In re Booker, S196994.</i>	(Riverside County Superior Court; CR67502)
<i>In re Bramit, S178113.</i>	(Riverside County Superior Court; CR57524)
<i>In re Bryant, S200323.</i>	(Los Angeles County Superior Court; A711739)
<i>In re Carrasco, S191869.</i>	(Los Angeles County Superior Court; BA109453)
<i>In re Casares, S221519.</i>	(Tulare County Superior Court; 27503)
<i>In re Daniels, S222187.</i>	(Sacramento County Superior Court; 99F10432)
<i>In re Delgado, S221247.</i>	(Kings County Superior Court; 99CM7335)
<i>In re Dement, S203626.</i>	(Fresno County Superior Court; 4679510)
<i>In re Duff, S221802.</i>	(Sacramento County Superior Court; 98F01583)
<i>In re Edwards, S214543.</i>	(Orange County Superior Court; 93WF1180)
<i>In re Ghobrial, S218292.</i>	(Orange County Superior Court; 98NF0906)
<i>In re Jones, S218551.</i>	(Los Angeles County Superior Court; NA031990)
<i>In re Lee, S194609.</i>	(Riverside County Superior Court; CR67398)
<i>In re Lindberg, S173896.</i>	(Orange County Superior Court; 96CF0685)
<i>In re Lomax, S197707.</i>	(Los Angeles County Superior Court; NA023819)
<i>In re Lopez, S212256.</i>	(Alameda County Superior Court; H28492A)
<i>In re Mai, S208180.</i>	(Orange County Superior Court; 96NF1961)
<i>In re Martinez, S180670.</i>	(Alameda County Superior Court; H15696)
<i>In re Nelson, S193669.</i>	(Los Angeles County Superior Court; BA162295)
<i>In re Parker, S206006.</i>	(Orange County Superior Court; 96ZF0039)
<i>In re Peoples, S217369.</i>	(Alameda County Superior Court; 135280)
<i>In re Riggs, S173875.</i>	(Riverside County Superior Court; ICR15562)

<i>In re Sánchez, S225373.</i>	(Los Angeles County Superior Court; LA011426)
<i>In re Spencer, S212368.</i>	(Santa Clara County Superior Court; 155731)
<i>In re Tate, S189049.</i>	(Alameda County Superior Court; 93308)
<i>In re Thomas, S196555.</i>	(Sonoma County Superior Court; SCR29622)
<i>In re Thompson, S188525.</i>	(Riverside County Superior Court; CR45819)
<i>In re Verdugo, S190666.</i>	(Los Angeles County Superior Court; BA105622)
<i>In re Vo, S204795.</i>	(Santa Clara County Superior Court; 148113)
<i>In re Wall, S226530.</i>	(San Diego County Superior Court; CR133745)
<i>In re Wheeler, S197586.</i>	(Los Angeles County Superior Court; A711739)
<i>In re Wilson, S166315.</i>	(Los Angeles County Superior Court; NA029224)

STATUS

In the following case, in which briefing was previously deferred pending decision in *People v. DeHoyos* (2018) 4 Cal.5th 594, the court ordered briefing deferred pending decision in *People v. Lara*, S243975 (#17-289), which presents the following issue: Does Penal Code section 490.2, added by Proposition 47, effective November 5, 2014, apply directly (i.e., without a petition under Penal Code section 1170.18) in trial and sentencing proceedings held after Proposition 47's effective date, where the charged offense was allegedly committed before Proposition 47's effective date?

#16-221 <i>People v. Byrd, S233480.</i>	(C078403; nonpublished opinion; Placer County Superior Court; 62132801)
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In the following cases, in which briefing was previously deferred pending decision in *People v. Page* (2017) 3 Cal.5th 1175 and *People v. DeHoyos* (2018) 4 Cal.5th 594, the court ordered briefing deferred pending decision in *People v. Lara*, S243975 (#17-289), which presents the following issue: Does Penal Code section 490.2, added by Proposition 47, effective November 5, 2014, apply directly (i.e., without a petition under Penal Code section 1170.18) in trial and sentencing proceedings held after Proposition 47's effective date, where the charged offense was allegedly committed before Proposition 47's effective date?

#17-132 <i>People v. Tran, S239554.</i>	(G051907; nonpublished opinion; Orange County Superior Court; 14CF2804)
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#17-195 <i>People v. Guillen</i> , S241058.	(G052022; nonpublished opinion; Orange County Superior Court; 14WF1099)
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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.