



Supreme Court of California  
350 McAllister Street, San Francisco, CA 94102-4797  
[www.courts.ca.gov/supremecourt](http://www.courts.ca.gov/supremecourt)

**NEWS RELEASE**

Contact: [Cathal Conneely](mailto:Cathal.Conneely@courts.ca.gov), 415-865-7740

**FOR IMMEDIATE RELEASE**

October 14, 2016

---

## Summary of Cases Accepted and Related Actions During Week of October 10, 2016

*[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.]*

**#16-343 *People v. Soto*, S236164.** (H041615; 248 Cal.App.4th 884; Monterey County Superior Court; SSC120180.) Petition for review after the Court of Appeal affirmed a judgment of conviction of criminal offenses. The court limited review to the following issues: (1) Did the trial court err in instructing the jury? (2) If so, was the error prejudicial?

**#16-344 *People v. Coleman*, S236702.** (C079299; nonpublished opinion; Tehama County Superior Court; NCR78898, NCR79248, NCR80183, NCR80240.) Petition for review after the Court of Appeal affirmed judgments of conviction of criminal offenses. The court ordered briefing deferred pending decision in *People v. Martinez*, S231826 (#16-88), which presents the following issue: Could defendant use a petition for recall of sentence under Penal Code section 1170.18 to request the trial court to reduce his prior felony conviction for transportation of a controlled substance to a misdemeanor in light of the amendment to Health and Safety Code section 11379 effected by Proposition 47?

**#16-345 *People v. Costa*, S236775.** (C077851; nonpublished opinion; Yolo County Superior Court; CRF131842.) Petition for review after the Court of Appeal affirmed a judgment of conviction of criminal offenses.

**#16-346 *People v. Donley*, S237093.** (F071524; nonpublished opinion; Madera County Superior Court; SCR013509.) Petition for review after the Court of Appeal affirmed an order denying a petition for resentencing.

**#16-347 *People v. Edwards*, S236984.** (B263931; nonpublished opinion; Los Angeles County Superior Court; MA060075.) Petition for review after the Court of Appeal affirmed an order denying a petition to recall sentence.

**#16-348 *People v. Gabrielson, S236703.*** (A143772; nonpublished opinion; Lake County Superior Court; CR932764.) Petition for review after the Court of Appeal affirmed an order granting in part and denying in part a petition to recall sentence.

**#16-349 *People v. Hoang, S236454.*** (B264610; nonpublished opinion; Los Angeles County Superior Court; GA080800.) Petition for review after the Court of Appeal affirmed an order denying a motion for resentencing.

**#16-350 *People v. Kirsch, S236926.*** (B265318; nonpublished opinion; Los Angeles County Superior Court; MA062121.) Petition for review after the Court of Appeal affirmed an order denying a motion for resentencing.

**#16-351 *People v. Norman, S236769.*** (F071340; nonpublished opinion; Stanislaus County Superior Court; 1469820, 1474631.) Petition for review after the Court of Appeal affirmed an order granting in part and denying in part a petition to recall sentence.

**#16-352 *People v. Rocheleau, S236866.*** (F071948; nonpublished opinion; Shasta County Superior Court; 1463797.) Petition for review after the Court of Appeal affirmed a judgment of conviction of a criminal offense.

**#16-353 *People v. Segobia, S237066.*** (E064664; nonpublished opinion; Riverside County Superior Court; RIF10001768.) Petition for review after the Court of Appeal affirmed an order denying a motion for resentencing.

**#16-354 *People v. Shahmohamadian, S236850.*** (B265982; nonpublished opinion; Los Angeles County Superior Court; BA369228.) Petition for review after the Court of Appeal affirmed an order denying a petition to recall sentence.

**#16-355 *People v. Shields, S236730.*** (E063966; nonpublished opinion; San Bernardino County Superior Court; FSB031656, FSB07472, SCR41932.) Petition for review after the Court of Appeal reversed in part and affirmed in part an order denying a petition to recall sentence.

The court ordered briefing in *Costa, Donley, Edwards, Gabrielson, Hoang, Kirsch, Norman, Rocheleau, Segobia, Shahmohamadian, and Shields* deferred pending decision in *People v. Valenzuela, S232900* (#16-97), which presents the following issue: Is a defendant eligible for resentencing on the penalty enhancement for serving a prior prison term on a felony conviction after the superior court has reclassified the underlying felony as a misdemeanor under the provisions of Proposition 47?

**#16-356 *People v. Cotton*, S236276.** (B260222; nonpublished opinion; Los Angeles County Superior Court; GA031646.) 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. Estrada*, S232114 (#16-104), which presents the following issue: Did the trial court improperly rely on the facts of counts dismissed under a plea agreement to find defendant ineligible for resentencing under the provisions of Proposition 36?

**#16-357 *People v. Hiroshige*, S237086.** (B266499; nonpublished opinion; Los Angeles County Superior Court; PA083343.) Petition for review after the Court of Appeal affirmed in part and reversed in part a judgment of conviction of criminal offenses.

**#16-358 *People v. Rushing*, S237034.** (B262944; nonpublished opinion; Los Angeles County Superior Court; MA055803.) Petition for review after the Court of Appeal affirmed an order denying a petition to recall sentence.

The court ordered briefing in *Hiroshige* and *Rushing* deferred pending decision in *People v. Romanowski*, S231405 (#16-24), which present the following issue: Does Proposition 47 (“the Safe Neighborhoods and Schools Act”), which reclassifies as a misdemeanor any grand theft involving property valued at \$950 or less (Pen. Code, § 490.2), apply to theft of access card information in violation of Penal Code section 484e, subdivision (d)?

**#16-359 *In re J.E.*, S236628.** (A145399; 1 Cal.App.5th 795; Alameda County Superior Court; SJ1502416901.) Petition for review after the Court of Appeal affirmed orders in a juvenile wardship proceeding.

**#16-360 *In re Reno F.*, S237070.** (A145723; nonpublished opinion; San Francisco County Superior Court; JW146171.) Petition for review after the Court of Appeal modified and affirmed orders in a juvenile wardship proceeding.

The court ordered briefing in *J.E.* and *Reno F.* deferred pending decision in *In re Ricardo P.*, S230923 (#16-41), which presents the following issue: Did the trial court err imposing an “electronics search condition” on minor as a condition of his probation when it had no relationship to the crimes he committed but was justified on appeal as reasonably related to future criminality under *People v. Olguin* (2008) 45 Cal.4th 375 because it would facilitate his supervision?

**#16-361 *People v. Kirkland*, S236678.** (A145179, A145793; nonpublished opinion; Sonoma County Superior Court; SCR655341.) Petition for review after the Court of Appeal affirmed a judgment of conviction of a criminal offense and an order denying a petition to recall sentence. The court ordered briefing deferred pending decision in *People v. Page*, S230793 (#16-28), which presents the following issue: Does Proposition

47 (“the Safe Neighborhoods and Schools Act”) apply to the offense of unlawful taking or driving a vehicle (Veh. Code, § 10851), because it is a lesser included offense of Penal Code section 487, subdivision (d), and that offense is eligible for resentencing to a misdemeanor under Penal Code sections 490.2 and 1170.18?

## DISPOSITIONS

Review in the following cases, which were granted and held for *People v. Fuentes* (2016) 1 Cal.5th 218, was dismissed:

**#14-101 *People v. Trejo*, S219448.**

**#14-142 *People v. Venegas*, S221923.**

The following cases were transferred for reconsideration in light of *People v. Fuentes* (2016) 1 Cal.5th 218:

**#15-153 *People v. Hightower*, S227856.**

**#16-24 *People v. Camarena*, S230235.**

## STATUS

**#16-311 *Migdal Insurance Co. v. Insurance Co. of the State of Pennsylvania*, S236177.** The court ordered the questions of California law presented in a matter pending in the United States Court of Appeals for the Ninth Circuit restated as follows: (1) When two primary liability insurers agree that their policies cover the same loss, may the primary insurer whose policy contains an “other insurance” clause (stating that its insurance is excess over any “other insurance or . . . self-insurance plan that covers a loss on the same basis”) enforce that clause in an action for equitable contribution brought by the primary insurer who defended and settled the insured’s claim and whose policy does not contain an other-insurance clause? (2) In the same equitable contribution action described in Issue 1, when the amount paid by the primary insurer that settled the claim exceeds the non-settling primary insurer’s liability policy limits, what is the effect, if any, of the non-settling insurer’s “limits reduction” clause (stating that “[a]ll payments made under any local policy issued to [the insured] by us or any other insurance company will reduce the Limits of Insurance of this policy”)?

###

*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.*