



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 28, 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.]*

**#19-166 *People v. Burns*, S257738.** (D074536; 38 Cal.App.5th 776; San Diego County Superior Court; SCD273861.) Petition for review after the Court of Appeal conditionally reversed a judgment of conviction of criminal offenses.

**#19-157 *People v. Delvalle*, S257939.** (A153804; nonpublished opinion; San Francisco County Superior Court; SCN225709.) Petition for review after the Court of Appeal conditionally reversed a judgment of conviction of criminal offenses.

The court ordered briefing in *Burns* and *Delvalle* 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?

**#19-168 *People v. Jackson*, S258139.** (H046413; nonpublished opinion; Monterey County Superior Court; SS161816.) Petition for review after the Court of Appeal affirmed an order revoking mandatory supervision.

**#19-169 *People v. Jackson*, S258141.** (H046139; nonpublished opinion; Monterey County Superior Court; SS161816.) Petition for review after the Court of Appeal affirmed the denial of a motion to modify sentence.

The court ordered briefing in both *Jackson* matters deferred pending decision in *People v. McKenzie*, S251333 (#18-161), which presents the following issue: When is the

judgment in a criminal case final for purposes of applying a later change in the law if the defendant was granted probation and imposition of sentence was suspended?

## DISPOSITIONS

Review in the following cases, which were granted and held for *People v. Aledamat* (2019) 7 Cal.5th 1, was dismissed:

<b>#19-61 <i>People v. Valderrama, S255291.</i></b>	(D073930; nonpublished opinion; San Diego County Superior Court; SCD272278)
<b>#19-73 <i>People v. Novinger, S255330.</i></b>	(C084518; nonpublished opinion; San Joaquin County Superior Court; LODCRFE20160015677, STKCRFEE20150006113)
<b>#19-82 <i>People v. Dudzinsky, S255889.</i></b>	(E069417; nonpublished opinion; San Bernardino County Superior Court; FVI1501345)
<b>#19-97 <i>People v. Duran, S255992.</i></b>	(D073804; nonpublished opinion; San Diego County Superior Court; SCS290869)
<b>#19-103 <i>People v. Wright, S255996.</i></b>	(E069642; nonpublished opinion; San Bernardino County Superior Court; FWV17001837)
<b>#19-115 <i>People v. Covarrubias, S256360.</i></b>	(E069051; nonpublished opinion; Riverside County Superior Court; RIF1604466)
<b>#19-116 <i>People v. Escalera, S256300.</i></b>	(G055492; nonpublished opinion; Orange County Superior Court; 15CF1354)

The following cases were transferred for reconsideration in light of *People v. Aledamat* (2019) 7 Cal.5th 1:

<b>#18-140 <i>People v. Elwell, S250413.</i></b>	(F072024; nonpublished opinion; Kern County Superior Court; BF159154A)
<b>#19-60 <i>People v. Smith, S255215.</i></b>	(D074901; nonpublished opinion; Riverside County Superior Court; SWF1707369)
<b>#19-81 <i>People v. Davis, S255605.</i></b>	(D073554; nonpublished opinion; San Diego County Superior Court; SCD273996)
<b>#19-96 <i>People v. Cromer, S256039.</i></b>	(E069960; nonpublished opinion; San Bernardino County Superior Court; FVI1502150)
<b>#19-66 <i>People v. Thurnan, S255134.</i></b>	(D072678; nonpublished opinion; San Diego County Superior Court; SCD271092)

#19-128 <i>People v. Reynolds</i> , S256082.	(G055864; nonpublished opinion; Orange County Superior Court; 14CF1132)
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**STATUS**

**#19-141 *People v. Gentile*, S256698.** The court ordered the issues to be briefed and argued in this case limited to the following: (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) Was it prejudicial error to instruct the jury in this case on natural and probable consequences as a theory of murder?

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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.*