



Supreme Court of California
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NEWS RELEASE

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FOR IMMEDIATE RELEASE

November 3, 2017

Summary of Cases Accepted and Related Actions During Week of October 30, 2017

[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.]

#17-309 *Ramirez v. City of Gardena, S244549.* (B279873; 14 Cal.App.5th 811; Los Angeles County Superior Court; BC609508.) Petition for review after the Court of Appeal affirmed the judgment in a civil action. The court limited review to the following issue: Is the immunity provided by Vehicle Code section 17004.7 available to a public agency only if all peace officers of the agency certify in writing that they have received, read, and understand the agency's vehicle pursuit policy?

#17-310 *People v. Bamford, S244612.* (C079957; nonpublished opinion; Shasta County Superior Court; 13F2661, 13F2842, 14F3951.) Petition for review after the Court of Appeal affirmed an order granting in part and denying in part a petition to recall sentence. The court ordered briefing deferred pending decision in *People v. Buycks, S231765* (#16-19), which concerns whether a penalty enhancement for committing a new felony while released on bail on a felony charge is affected by the reclassification of the earlier offense as a misdemeanor under the provisions of Proposition 47, *In re Guiomar, S238888*, which concerns whether a penalty enhancement for failure to appear on a felony charge is affected by the reclassification of that felony as a misdemeanor under the provisions of Proposition 47, and *People v. Valenzuela, S232900* (#16-97), which concerns the effect of an order reclassifying a felony as a misdemeanor under the provisions of Proposition 47 on the penalty enhancement imposed for serving a prior prison term on that conviction.

#17-311 *Bonni v. St. Joseph Health System, S244148.* (G052367; 13 Cal.App.5th 851; Orange County Superior Court; 30-2014-00758655.) Petition for review after the Court of Appeal reversed an order granting a special motion to strike in a civil action.

#17-312 *Esquith v. Los Angeles Unified School Dist., S244026.* (B276432; nonpublished opinion; Los Angeles County Superior Court; BC591067.) Petition for review after the Court of Appeal affirmed an order denying a special motion to strike in a civil action.

The court ordered briefing in *Bonni* and *Esquith* deferred pending decision in *Wilson v. Cable News Network, Inc.*, S239686 (#17-83), which presents the following issue: In deciding whether an employee's claims for discrimination, retaliation, wrongful termination, and defamation arise from protected activity for purposes of a special motion to strike (Code of Civ. Proc., § 425.16), what is the relevance of an allegation that the employer acted with a discriminatory or retaliatory motive?

#17-313 *People v. Hodge, S244138.* (B264853; nonpublished opinion; Los Angeles County Superior Court; NA016955.) Petition for review after the Court of Appeal remanded for resentencing and otherwise affirmed a judgment of conviction of criminal offenses. The court ordered briefing deferred pending decision in *People v. Mendoza*, S238032 (#17-32) and *People v. Padilla*, S239454 (#17-34), which present issues as to the requirements under *Montgomery v. Louisiana* (2016) 577 U.S. ___, 136 S.Ct. 718, 193 L.Ed.2d 599, *Miller v. Alabama* (2012) 567 U.S. ___, 132 S.Ct. 2455, 183 L.Ed.2d 407, for imposing a sentence of life imprisonment without possibility of parole on a juvenile offender.

#17-314 *People v. Kurtz, S244589.* (H043729; nonpublished opinion; Santa Clara County Superior Court; 214981.) Petition for review after the Court of Appeal affirmed a judgment of conviction of criminal offenses. The court ordered briefing deferred pending decision in *People v. Ruiz*, S235556 (#16-312), which presents the following issue: May a trial court properly impose a criminal laboratory analysis fee (Health & Saf. Code, § 11372.5, subd. (a)) and a drug program fee (Health & Saf. Code, § 11372.7, subd. (a)) based on a defendant's conviction for conspiracy to commit certain drug offenses?

DISPOSITIONS

Review in the following cases was dismissed in light of *People v. Valencia* (2017) 3 Cal.5th 347:

#15-30 <i>People v. Aparicio</i> , S224317	(D064995; 232 Cal.App.4th 1065; San Diego County Superior Court; SF113576)
#15-31 <i>People v. Superior Court (Burton)</i> , S223805	(E060210; 232 Cal.App.4th 1140; Riverside County Superior Court; RIF098285)
#15-32 <i>People v. Hall</i> , S224177	(B252482; nonpublished opinion; Ventura County Superior Court; CR44175)

#15-34 <i>People v. Ramirez</i> , S224109	(D064607; nonpublished opinion; San Diego County Superior Court; SCD104088)
#15-35 <i>People v. Superior Court (Williams)</i> , S223807	(E060260; 232 Cal.App.4th 1149; Riverside County Superior Court; RIF076640)
#15-175 <i>People v. Williams</i> , S228229	(H040681; nonpublished opinion; Santa Clara County Superior Court; C9925466)
#16-111 <i>People v. Garcia</i> , S232679	(H040765; 244 Cal.App.4th 224; Santa Clara County Superior Court; CC235364)
#16-112 <i>People v. Johnson</i> , S232811	(A143352; nonpublished opinion; Alameda County Superior Court; 125624A)
#16-165 <i>People v. Santos</i> , S233178	(C075131; nonpublished opinion; Shasta County Superior Court; 03F6857)
#16-373 <i>People v. Carrillo</i> , S237369	(G050784; nonpublished opinion; Orange County Superior Court; 06NF3068)
#17-100 <i>People v. Bennett</i> , S240053	(F071015; nonpublished opinion; Kern County Superior Court; SF015228A)

STATUS

#15-151 *People v. Castellano*, S227342. In this case, in which briefing was previously deferred pending decision in *People v. Conley* (2016) 63 Cal.4th 646 and *People v. Valencia* (2017) 3 Cal.5th 347, the court ordered briefing deferred pending decision in *People v. DeHoyos*, S228230 (#15-171), which presents the following issue: Does the Safe Neighborhood and Schools Act [Proposition 47] (Gen. Elec. (Nov. 4, 2014)), which made specified crimes misdemeanors rather than felonies, apply retroactively to a defendant who was sentenced before the Act's effective date but whose judgment was not final until after that date?

#17-32 *People v. Mendoza*, S238032. The court requested supplemental briefing on the following issue: What bearing, if any, does SB 394, signed into law on October 11, 2017, have on this court's examination of the question presented for review in this case?

#17-34 *People v. Padilla*, S239454. The court requested supplemental briefing on the following issue: What bearing, if any, does SB 394, signed into law on October 11, 2017, have on this court's examination of the question presented for review in this case?

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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.