



[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 November 9, 2015

[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.]

#15-199 *People v. Carothers*, S228817. (H040513; nonpublished opinion; Santa Clara County Superior Court; C1242433.) Petition for review after the Court of Appeal affirmed in part and reversed in part a judgment of conviction of a criminal offense. The court ordered briefing deferred pending decision in *People v. Friday*, S218288 (#14-77), *People v. Garcia*, S218197 (#14-78), and *People v. Klatt*, 218755 (#14-79), which present the following issue: Are the conditions of probation mandated by Penal Code section 1203.067, subdivision (b), for persons convicted of specified felony sex offenses — including waiver of the privilege against self-incrimination, required participation in polygraph examinations, and waiver of the psychotherapist–patient privilege — constitutional?

#15-200 *People v. Carson*, S229816. (A139953; nonpublished opinion; Contra Costa County Superior Court; 51308329.) Petition for review after the Court of Appeal affirmed a judgment of conviction of criminal offenses.

#15-201 *People v. Lopez*, S229117. (A139857; nonpublished opinion; Alameda County Superior Court; C171235.) Petition for review after the Court of Appeal modified and affirmed a judgment of conviction of criminal offenses.

#15-202 *People v. Smith*, S229387. (G050496; nonpublished opinion; Orange County Superior Court; 14CF0251.) Petition for review after the Court of Appeal affirmed a judgment of conviction of criminal offenses.

The court ordered briefing in *Carson*, *Lopez*, and *Smith* deferred pending decision in *People v. Macabeo*, S221852 (#14-135), which presents the following issues: (1) May law enforcement officers conduct a search incident to the *authority* to arrest for a minor traffic offense, so long as a custodial arrest (even for an unrelated crime) follows?

(2) Did *Riley v. California* (2014) __ U.S. __ [134 S.Ct. 2473, 189 L.Ed.2d 430] require the exclusion of evidence obtained during the warrantless search of the suspect's cell phone incident to arrest, or did the search fall within the good faith exception to the exclusionary rule (see *Davis v. United States* (2011) 564 U.S. __ [131 S.Ct. 2419, 180 L.Ed.2d 285]) in light of *People v. Diaz* (2011) 51 Cal.4th 84?

#15-203 *People v. Diaz*, S229543. (F068070; nonpublished opinion; Tulare County Superior Court; VCF107543.) Petition for review after the Court of Appeal affirmed a judgment of conviction of criminal offenses.

#15-204 *People v. Jones*, S228554. (B254370; nonpublished opinion; Los Angeles County Superior Court; TA119584.) Petition for review after the Court of Appeal affirmed in part and reversed in part judgments of conviction of criminal offenses.

#15-205 *People v. Nava*, S228596. (B256120; nonpublished opinion; Los Angeles County Superior Court; KA099654.) Petition for review after the Court of Appeal affirmed a judgment of conviction of criminal offenses.

The court ordered briefing in *Diaz*, *Jones*, and *Nava* deferred pending decision in *People v. Franklin*, S217699 (#14-56), which includes the following issues: (1) Is a total term of imprisonment of 50 years to life for murder committed by a 16-year-old offender the functional equivalent of life without possibility of parole by denying the offender a meaningful opportunity for release on parole? (2) If so, does the sentence violate the Eighth Amendment absent consideration of the mitigating factors for juvenile offenders set forth in *Miller v. Alabama* (2012) 567 U.S. __ [132 S.Ct. 2455]? (3) Did Senate Bill 260 (Reg. Sess. 2013-2014), which includes provisions for a parole suitability hearing after a maximum of 25 years for most juvenile offenders serving life sentences, render moot any claim that such a sentence violates the Eighth Amendment?

#15-206 *People v. Endicott*, S229265. (C077746; nonpublished opinion; Yuba County Superior Court; CRF14575.) 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. Hall*, S227193 (#15-157), which presents the following issues: (1) Are probation conditions prohibiting defendant from: (a) "owning, possessing or having in his custody or control any handgun, rifle, shotgun or any firearm whatsoever or any weapon that can be concealed on his person"; and (b) "using or possessing or having in his custody or control any illegal drugs, narcotics, narcotics paraphernalia without a prescription," unconstitutionally vague? (2) Is an explicit knowledge requirement constitutionally mandated?

#15-207 *People v. Goethe*, S229147. (C074791; nonpublished opinion; Sacramento County Superior Court; 12F00877.) 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. Sanchez*, S216681 (#14-47), which presents the following issue: Was defendant's Sixth Amendment right to confrontation violated by the gang expert's reliance on testimonial hearsay (*Crawford v. Washington* (2004) 541 U.S. 36)?

#15-208 *People v. Grewell*, S229552. (D064736; nonpublished opinion; San Diego County Superior Court; SCD247683.) 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. 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?

#15-209 *People v. Poor*, S229563. (C074830; nonpublished opinion; Butte County Superior Court; CM00932.) Petition for review after the Court of Appeal affirmed the denial of a petition to recall sentence. The court ordered briefing deferred pending decision in *People v. Chaney*, S223676 (#15-13), and *People v. Valencia*, S223825 (#15-14), which present the following issue: Does the definition of "unreasonable risk of danger to public safety" (Pen. Code, § 1170.18, subd. (c)) under Proposition 47 ("the Safe Neighborhoods and Schools Act") apply on retroactivity or other grounds to resentencing under the Three Strikes Reform Act of 2012 (Pen. Code, § 1170.126)?

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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.