



[Supreme Court of California](#)  
350 McAllister Street, San Francisco, CA 94102-4797

**NEWS RELEASE**

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**FOR IMMEDIATE RELEASE**

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## Summary of Cases Accepted and Related Actions During Week of November 16, 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.]*

**#15-210 *People v. Eandi*, S229305.** (C078257; 239 Cal.App.4th 801; Butte County Superior Court; CM042230.) Petition for review after the Court of Appeal reversed a judgment of conviction of a criminal offense and remanded for resentencing.

**#15-211 *People v. Perez*, S229046.** (C078169; 239 Cal.App.4th 24; Yolo County Superior Court; CRF124740.) Petition for review after the Court of Appeal affirmed a resentencing order.

*Eandi* and *Perez* present the following issue: Was the defendant eligible for resentencing on a felony conviction for willful failure to appear after release on own recognizance pending trial of a felony drug offense when the superior court reclassified the conviction for the drug offense as a misdemeanor under the provisions of Proposition 47?

**#15-212 *People v. Hanson*, S230001.** (F069169; nonpublished opinion; Stanislaus County Superior Court; 138089.) Petition for review after the Court of Appeal affirmed an order denying a petition to recall sentence.

**#15-213 *People v. Owens*, S229533.** (F067362; nonpublished opinion; Fresno County Superior Court; CF99638241.) Petition for review after the Court of Appeal affirmed an order denying a petition to recall sentence.

The court ordered briefing in *Hanson* and *Owens* 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)?

**#15-214 *People v. Hargis*, S229557.** (F067352, F067598; nonpublished opinion; Kern County Superior Court; BF130354A, BF130354A.) 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. 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?

**#15-215 *People v. Pinon*, S229632.** (G051212; 238 Cal.App.4th 1232; Orange County Superior Court; 11WF1938.) Petition for review after the Court of Appeal affirmed in part and reversed in part a judgment of conviction of criminal offenses. The court ordered briefing deferred pending decision in *People v. Morales*, S228030 (#15-156), which presents the following issue: Can excess custody credits be used to reduce or eliminate the one-year parole period required by Penal Code section 1170.18, subdivision (d), upon resentencing under Proposition 47?

**#15-216 *People v. Sarwar*, S229573.** (D066551; nonpublished opinion; San Diego County Superior Court; SCE327535, SCE327660.) 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?

## STATUS

**#15-73 *People v. Enriquez*, S224724.** In this case in which briefing was previously deferred pending further order of the court and decision in *People v. Elizalde* (2015) 61 Cal.4th 523 and *People v. Prunty* (2015) 62 Cal.4th 59, the court ordered briefing on the following issue: Did the Court of Appeal err in upholding the trial court's denial of defendants' *Batson/Wheeler* motions?

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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.*