



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 20, 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.]*

**#17-323 *People v. Harris*, S244792.** (D070711; 15 Cal.App.5th 47; San Diego County Superior Court; SCD249624.) Petition for review after the Court of Appeal affirmed an order denying a post-conviction motion to expunge a DNA sample after the grant of a petition to recall sentence.

**#17-324 *People v. Pastenes*, S244791.** (D070929; nonpublished opinion; San Diego County Superior Court; SCS264552.) Petition for review after the Court of Appeal affirmed an order denying a post-conviction motion to expunge a DNA sample after the grant of a petition to recall sentence.

**#17-325 *People v. Phillips*, S244788.** (D070927; nonpublished opinion; San Diego County Superior Court; SCD239358, SCD246245.) Petition for review after the Court of Appeal affirmed an order denying a post-conviction motion to expunge a DNA sample after the grant of a petition to recall sentence.

The court ordered briefing in *Harris*, *Pastenes*, and *Phillips* deferred pending decision in *In re C.B.*, S237801 (#16-384), and *In re C.H.*, S237762 (#16-395), which present the following issues: Did the trial court err by refusing to order the expungement of juvenile's DNA record after his qualifying felony conviction was reduced to a misdemeanor under Proposition 47 (Pen. Code § 1170.18)? Does the retention of juvenile's DNA sample violate equal protection because a person who committed the same offense after Proposition 47 was enacted would be under no obligation to provide a DNA sample?

**#17-326 *People v. Lopez*, S243921.** (B271517; nonpublished opinion; Los Angeles County Superior Court; BA404685.) Petition for review after the Court of Appeal modified and affirmed judgments of conviction of criminal offenses. The court ordered briefing deferred pending decision in The court ordered briefing deferred pending decision in *People v. Mateo*, S232674 (#16-147), which presents the following issue: In order to convict an aider and abettor of attempted willful, deliberate and premeditated murder under the natural and probable consequences doctrine, must a premeditated attempt to murder have been a natural and probable consequence of the target offense? In other words, should *People v. Favor* (2012) 54 Cal.4th 868 be reconsidered in light of *Alleyne v. United States* (2013) \_\_\_ U.S. \_\_\_ [113 S.Ct. 2151] and *People v. Chiu* (2014) 59 Cal.4th 155?

**#17-327 *People v. Marko*, S244306.** (H043118; nonpublished opinion; Santa Clara County Superior Court; C1502747.) Petition for review after the Court of Appeal affirmed a judgment of conviction of criminal offenses.

**#17-328 *People v. Rocha*, S244884.** (H041621; nonpublished opinion; Santa Clara County Superior Court; C1477177.) Petition for review after the Court of Appeal affirmed a judgment of conviction of a criminal offense.

The court ordered briefing in *Marko* and *Rocha* 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?

**#17-329 *People v. Pitcher*, S244760.** (A144718; nonpublished opinion; Contra Costa County Superior Court; 1213834.) Petition for review after the Court of Appeal conditionally reversed and remanded a judgment of conviction of criminal offenses. The court ordered briefing deferred pending decision in *People v. Mendoza*, S241647 (#17-208), which presents the following issue: Are the provisions of Proposition 57 that eliminated the direct filing of certain juvenile cases in adult court applicable to cases not yet final on appeal?

## DISPOSITIONS

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

<b>#15-33 <i>People v. Payne</i>, S223856</b>	(F067838; 232 Cal.App.4th 579; Merced County Superior Court; SUF20408)
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<b>#15-43 <i>People v. Allen, S224781</i></b>	(F067704; nonpublished opinion; Fresno County Superior Court; CF97598580)
<b>#15-56 <i>People v. Doolittle, S225118</i></b>	(F067402; nonpublished opinion; Kern County Superior Court; C072410A)
<b>#15-57 <i>People v. Lorta, S225050</i></b>	(F067122; nonpublished opinion; Kern County Superior Court; SC078430A)
<b>#15-71 <i>People v. Davis, S225603</i></b>	(A139111; 234 Cal.App.4th 1001; San Mateo County Superior Court; SC43066A)
<b>#15-93 <i>People v. Guzman, S226410</i></b>	(G049135; nonpublished opinion; Orange County Superior Court; 04SF0872)
<b>#15-109 <i>People v. Sledge, S226449</i></b>	(G048814; 235 Cal.App.4th 1191; Orange County Superior Court; 98NF2403)
<b>#15-138 <i>People v. Fanning, S226955</i></b>	(D065320; nonpublished opinion; San Diego County Superior Court; SCD130440)
<b>#15-145 <i>People v. Roy, S227527</i></b>	(H039757; nonpublished opinion; Santa Clara County Superior Court; 208171)
<b>#15-159 <i>People v. Ford, S228250</i></b>	(A138848; nonpublished opinion; Sonoma County Superior Court; SCR32085)
<b>#15-165 <i>People v. Finney, S228478</i></b>	(B254802; nonpublished opinion; Los Angeles County Superior Court; SA020932)
<b>#15-166 <i>People v. Landry, S228402</i></b>	(H040337; nonpublished opinion; Santa Clara County Superior Court; 186848)
<b>#15-195 <i>People v. Behill, S229373</i></b>	(F067821; nonpublished opinion; Kern County Superior Court; SC081806A)
<b>#15-212 <i>People v. Hanson, S230001</i></b>	(F069169; nonpublished opinion; Stanislaus County Superior Court; 138089)
<b>#15-229 <i>People v. Jackson, S230292</i></b>	(D065962; nonpublished opinion; San Diego County Superior Court; CD189406)
<b>#16-06 <i>People v. Garcia, S230611</i></b>	(F068019; nonpublished opinion; Kern County Superior Court; SC060951A)
<b>#16-08 <i>People v. Scott, S231103</i></b>	(H040176; nonpublished opinion; Santa Clara County Superior Court; 179796)
<b>#16-09 <i>People v. Singson, S230880</i></b>	(B259573; nonpublished opinion; Santa Barbara County Superior Court; 222551)
<b>#16-78 <i>People v. Hernandez, S232233</i></b>	(F069071; nonpublished opinion; Fresno County Superior Court; SUF22991)
<b>#16-192 <i>People v. Myers, S233937</i></b>	(C078277; 245 Cal.App.4th 794; Siskiyou County Superior Court; SCSCCRF980001508)
<b>#16-214 <i>People v. Florez, S234168</i></b>	(H040327; nonpublished opinion; Santa Clara County Superior Court; C9890809)
<b>#16-215 <i>People v. Sauls, S234275</i></b>	(F069709; nonpublished opinion; Kern County Superior Court; SC074150A)

<b>#16-232 <i>People v. Baker</i>, S234770</b>	(F070902; nonpublished opinion; Kern County Superior Court; SC077324B)
<b>#16-233 <i>People v. Lopez</i>, S234827</b>	(B262908; nonpublished opinion; Los Angeles County Superior Court; BA143618)
<b>#16-272 <i>People v. Campos</i>, S235494</b>	(B265831; nonpublished opinion; Los Angeles County Superior Court; BA159653)
<b>#16-273 <i>People v. Hanson</i>, S235186</b>	(F069682; nonpublished opinion; Kern County Superior Court; SC068162A)
<b>#16-392 <i>People v. Rodriguez</i>, S237417</b>	(B265798; nonpublished opinion; Los Angeles County Superior Court; BA143618)
<b>#17-36 <i>People v. Banuelos</i>, S238984</b>	(B266248; nonpublished opinion; Los Angeles County Superior Court; SA017369)
<b>#17-37 <i>People v. Kenny</i>, S239081</b>	(H040515; nonpub. opn.; Santa Clara County Superior Court; C9812477)
<b>#17-49 <i>People v. Pinkston</i>, S239144</b>	(B268633; nonpublished opinion; Los Angeles County Superior Court; TA062346)
<b>#17-92 <i>People v. Lewis</i>, S239919</b>	(F071853; nonpublished opinion; Madera County Superior Court; MCR017299)
<b>#17-101 <i>People v. Campbell</i>, S240025</b>	(B264913; nonpublished opinion; Los Angeles County Superior Court; BA183776)
<b>#17-113 <i>People v. Mizner</i>, S239837</b>	(H040421; nonpublished opinion; San Benito County Superior Court; CR0801656)
<b>#17-197 <i>People v. Lopez</i>, S241207</b>	(B266011; nonpublished opinion; Los Angeles County Superior Court; MA016657)
<b>#17-237 <i>People v. Brady</i>, S242202</b>	(G052220; nonpublished opinion; Orange County Superior Court; 06HF0623)
<b>#17-255 <i>People v. Douglas</i>, S242721</b>	(F069667; nonpublished opinion; Kern County Superior Court; SC065430A)

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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.*