



Supreme Court of California  
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**NEWS RELEASE**

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**FOR IMMEDIATE RELEASE**

December 16, 2016

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## Summary of Cases Accepted and Related Actions During Week of December 12, 2016

*[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.]*

**#16-427 *People v. Rodas*, S237379.** (B255598; nonpublished opinion; Los Angeles County Superior Court; BA360125.) Petition for review after the Court of Appeal modified and affirmed a judgment of conviction of criminal offenses. The court limited review to the following issue: Did the trial court violate defendant's right to due process by failing to suspend proceedings after his attorney declared a doubt as to his competence?

**#16-428 *People v. Ashley*, S238102.** (C080297; nonpublished opinion; Shasta County Superior Court; 03F0348.) Petition for review after the Court of Appeal affirmed an order denying a petition to recall sentence.

**#16-429 *People v. Ramos*, S237592.** (E064842; nonpublished opinion; San Bernardino County Superior Court; FBA008871.) Petition for review after the Court of Appeal affirmed an order denying a petition to recall sentence.

**#16-430 *People v. Wilson*, S238316.** (F071034; nonpublished opinion; Stanislaus County Superior Court; 1427666.) Petition for review after the Court of Appeal affirmed an order denying a petition to recall sentence.

The court ordered briefing in *Ashley*, *Ramos*, and *Wilson* deferred pending decision in *People v. Page*, S230793 (#16-28), which presents the following issue: Does Proposition 47 ("the Safe Neighborhoods and Schools Act") apply to the offense of unlawful taking or driving a vehicle (Veh. Code, § 10851), because it is a lesser included offense of Penal Code section 487, subdivision (d), and that offense is eligible for resentencing to a misdemeanor under Penal Code sections 490.2 and 1170.18?

**#16-431 *People v. Aune, S237808.*** (D068770; nonpublished opinion; San Diego County Superior Court; SCS275733.) Petition for review after the Court of Appeal affirmed a judgment of conviction of a criminal offense. The court ordered briefing deferred pending decision in *People v. Enriquez, S224724* (#15-73), which presents the following issue: Did the Court of Appeal err in upholding the trial court's denial of defendants' *Batson/Wheeler* motions?

**#16-432 *In re D.A., S238126.*** (A146298; nonpublished opinion; Contra Costa County Superior Court; J1001268.) Petition for review after the Court of Appeal affirmed an order granting a petition to recall sentence.

**#16-433 *In re T.H., S238139.*** (A146129; nonpublished opinion; Contra Costa County Superior Court; J1301357.) Petition for review after the Court of Appeal affirmed an order granting a petition to recall sentence.

The court ordered briefing in *D.A.* and *T.H.* 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?

**#16-434 *People v. Evans, S238173.*** (F069747; nonpublished opinion; Tulare County Superior Court; VCF252609A.) Petition for review after the Court of Appeal affirmed a judgment of conviction of criminal offenses.

**#16-435 *People v. Lavis, S237785.*** (B268553; nonpublished opinion; Los Angeles County Superior Court; LA075740.) Petition for review after the Court of Appeal affirmed an order denying a petition to recall sentence.

**#16-436 *People v. Olguin, S238298.*** (E063459; nonpublished opinion, San Bernardino County Superior Court; FVI1203047.) Petition for review after the Court of Appeal affirmed an order denying a petition to recall sentence.

The court ordered briefing in *Evans, Lavis,* and *Olguin* deferred pending decision in *People v. Romanowski, S231405* (#16-24), which present the following issue: Does Proposition 47 ("the Safe Neighborhoods and Schools Act"), which reclassifies as a misdemeanor any grand theft involving property valued at \$950 or less (Pen. Code, § 490.2), apply to theft of access card information in violation of Penal Code section 484e, subdivision (d)?

**#16-437 *People v. Forney*, S238013.** (A144450; 3 Cal.App.5th 1091; Sonoma County Superior Court; SCR656511.) Petition for review after the Court of Appeal modified and affirmed a judgment of conviction of criminal offenses. The court ordered briefing deferred pending decision in *People v. Garcia*, S218197 (#14-78), which presents 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?

**#16-438 *People v. Gomez*, S238143.** (F070393; nonpublished opinion; Kings County Superior Court; 02CM7150.) Petition for review after the Court of Appeal affirmed an order denying a petition to recall sentence. The court ordered briefing deferred pending decision in *People v. Estrada*, S232114 (#16-104), which presents the following issue: Did the trial court improperly rely on the facts of counts dismissed under a plea agreement to find defendant ineligible for resentencing under the provisions of Proposition 36?

**#16-439 *People v. Martin*, S238299.** (F069423; nonpublished opinion; Kern County Superior Court; BF137181A, BF152335A.) Petition for review after the Court of Appeal affirmed a judgment of conviction of criminal offenses.

**#16-440 *People v. Pridemore*, S238331.** (A142419; nonpublished opinion; Sonoma County Superior Court; FCR302949.) Petition for review after the Court of Appeal affirmed a judgment of conviction of a criminal offense.

The court ordered briefing in *Martin* and *Pridemore* 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?

**#16-441 *People v. Nachbar*, S238210.** (D068135; 3 Cal.App.5th 1122; San Diego; SCN336758.) Petition for review after the Court of Appeal affirmed a judgment of conviction of a criminal offense. The court ordered briefing 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?

**#16-442 *People v. Roberson, S238190.*** (B262682; nonpublished opinion; Los Angeles County Superior Court; LA027670.) Petition for review after the Court of Appeal affirmed an order denying 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)?

**#16-443 *People v. Rubio, S238202.*** (C080311; nonpublished opinion; Glenn County Superior Court; 13NCR09625.) Petition for review after the Court of Appeal affirmed an order denying a petition to recall sentence. The court ordered briefing deferred pending decision in *People v. Valenzuela, S232900* (#16-97), which presents the following issue: Is a defendant eligible for resentencing on the penalty enhancement for serving a prior prison term on a felony conviction after the superior court has reclassified the underlying felony as a misdemeanor under the provisions of Proposition 47?

**#16-444 *People v. Wells, S237810.*** (F070212; nonpublished opinion; Fresno County Superior Court; F14903226.) 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. Gallardo, S231260* (#16-38), which concerns scope of a trial court’s review of the record to find that a prior conviction constituted a strike, 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.

## DISPOSITIONS

The following case was dismissed as moot (see Sen. Bill 1235 (2015-2016 Reg. Sess.) § 4; Safety for All Act of 2016 (Prop. 63, as approved by voters, Gen. Elec. (Nov. 8, 2016))):

**#14-23 *Parker v. State of California, S215265.***

The following case was transferred for reconsideration in light of *Ramos v. Brenntag Specialties, Inc.* (2016) 63 Cal.4th 500:

**#14-110 *Uriarte v. Scott Sales Co., S220088.***

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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.*