



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 December 31, 2018

[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.]

#19-01 *People v. Bahou*, S252773. (D073476; nonpublished opinion; San Diego County Superior Court; SCE370394.) Petition for review after the Court of Appeal affirmed a judgment of conviction of criminal offenses.

#19-02 *People v. Gomez*, S252822. (E068755; nonpublished opinion; San Bernardino County Superior Court; FSB17001489.) Petition for review after the Court of Appeal modified and affirmed a judgment of conviction of a criminal offense.

The court ordered briefing in *Bahou* and *Gomez* deferred pending decision in *In re Ricardo P.*, S230923 (#16-41) and *People v. Trujillo*, S244650 (#17-335), which present issues concerning the imposition of an “electronics search condition” of probation if the devices subject to the condition had no relationship to the crime or crimes committed and use of the devices would not itself involve criminal conduct, but access to the devices might facilitate supervision of the probationer.

#19-03 *People v. Bonner*, S252170. (C085457; nonpublished opinion; Plumas County Superior Court; F1700110.) 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. Frahs*, S252220 (#18-175), which presents the following issues: (1) Does Penal Code section 1001.36 apply retroactively to all cases in which the judgment is not yet final? (2) Did the Court of Appeal err by remanding for a determination of defendant’s eligibility under Penal Code section 1001.36?

#19-04 *People v. Gutierrez*, S252532. (A153419; 27 Cal.App.5th 1155; Contra Costa County Superior Court; 5170563.) Petition for review after the Court of Appeal affirmed the judgment of the appellate division of the superior court in a criminal action. The

court ordered briefing deferred pending decision in *People v. Arredondo*, S233582 (#16-196), which presents the following issues: (1) Did law enforcement violate the Fourth Amendment by taking a warrantless blood sample from defendant while he was unconscious, or was the search and seizure valid because defendant expressly consented to chemical testing when he applied for a driver's license (see Veh. Code, § 13384) or because defendant was "deemed to have given his consent" under California's implied consent law (Veh. Code, § 23612)? (2) Did the People forfeit their claim that defendant expressly consented? (3) If the warrantless blood sample was unreasonable, does the good faith exception to the exclusionary rule apply because law enforcement reasonably relied on Vehicle Code section 23612 in securing the sample?

#19-05 *People v. Munoz*, S252291. (B283921; nonpublished opinion; Los Angeles County Superior Court; KA110065.) 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. 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) 570 U.S. 99 and *People v. Chiu* (2014) 59 Cal.4th 155?

#19-06 *People v. Voss*, S252723. (B286260; nonpublished opinion; Ventura County Superior Court; 2011025347.) Petition for review after the Court of Appeal reversed an order denying a petition to recall sentence. The court ordered briefing deferred pending decision in *People v. Jimenez*, S249397 (#18-99), which presents the following issue: May a felony conviction for the unauthorized use of personal identifying information of another (Pen. Code, § 530.5, subd. (a)) be reclassified as a misdemeanor under Proposition 47 on the ground that the offense amounted to Penal Code section 459.5 shoplifting?

STATUS

#17-295 *Association for Los Angeles Deputy Sheriffs v. Superior Court*, S243855. The court directed the parties to file supplemental letter briefs addressing the following question: What bearing, if any, does Senate Bill No. 1421 (Stats. 2018, ch. 988) 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.