



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 June 10, 2019

**#19-62 *People v. Kelly*, S255145.** (B291220; 32 Cal.App.5th 1013; Ventura County Superior Court; 2017008225.) Petition for review after the Court of Appeal dismissed an appeal from a judgment of conviction of a criminal offense.

**#19-63 *People v. Stamps*, S255843.** (A154091; 34 Cal.App.5th 117; Alameda County Superior Court; 17CR010629.) Petition for review after the Court of Appeal affirmed in part and reversed in part a judgment of conviction of a criminal offense.

*Kelly* and *Stamps* both present the following issue: Is a certificate of probable cause required for a defendant to challenge a negotiated sentence based on a subsequent ameliorative, retroactive change in the law?

**#19-64 *In re Bowell*, S255066.** (B285434; nonpublished opinion; Los Angeles County Superior Court; BA191442.) Petition for review after the Court of Appeal granted relief on a petition for writ of habeas corpus. The court ordered briefing deferred pending decision in *In re Gadlin*, S254599 (#19-53), which includes the following issue: Under Proposition 57 (Cal. Const., art. I, § 32), may the California Department of Corrections and Rehabilitation categorically exclude from early parole consideration all prisoners who have been previously convicted of a sex offense requiring registration under Penal Code section 290?

**#19-65 *People v. Johnston*, S254712.** (H045905; nonpublished opinion; Santa Clara County Superior Court; C1524693, C1631413.) Petition for review after the Court of Appeal affirmed an order modifying conditions of probation. The court ordered briefing 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.

**#19-66 *People v. Thurnan*, S255134.** (D072678; nonpublished opinion; San Diego County Superior Court; SCD271092.) Petition for review after the Court of Appeal remanded in part and otherwise affirmed a judgment of conviction of criminal offenses. The court ordered briefing deferred pending decision in *People v. Aledamat*, S248105 (#18-87), which presents the following issue: Is error in instructing the jury on both a legally correct theory of guilt and a legally incorrect one harmless if an examination of the record permits a reviewing court to conclude beyond a reasonable doubt that the jury based its verdict on the valid theory, or is the error harmless only if the record affirmatively demonstrates that the jury actually rested its verdict on the legally correct theory?

### DISPOSITIONS

[AMENDED 1/28/2020]

The following cases were transferred for reconsideration in light of *People v. Lara* (2019) 6 Cal.5th 1128:

<b>#16-221 <i>People v. Byrd</i>, S233480</b>	(C078403; nonpublished opinion; Placer County Superior Court; 62132801)
<b>#16-341 <i>People v. Jewkes</i>, S236685</b>	(C079556; nonpublished opinion; Butte County Superior Court; CM042665)
<b>#17-132 <i>People v. Tran</i>, S239554</b>	(G051907; nonpublished opinion; Orange County Superior Court; 14CF2804)
<b>#17-195 <i>People v. Guillen</i>, S241058</b>	(G052022; nonpublished opinion; Orange County Superior Court; 14WF1099)
<b>#17-291 <i>People v. Pena</i>, S243869</b>	(E064692; nonpublished opinion; Riverside County Superior Court; RIF1400988, RIF1401736, SWF1500028)

The following cases were transferred for reconsideration in light of *People v. Page* (2017) 3 Cal.5th 1175 and *People v. Lara* (2019) 6 Cal.5th 1128:

<b>#17-24 <i>People v. Ortiz</i>, S238280</b>	(C079847; nonpublished opinion; Sacramento County Superior Court; 13F05800)
<b>#17-105 <i>People v. Martinez</i>, S239744</b>	(B263067; nonpublished opinion; Los Angeles County Superior Court; LA077972)

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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.*