



Supreme Court of California
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NEWS RELEASE

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FOR IMMEDIATE RELEASE

August 30, 2019

Summary of Cases Accepted and Related Actions During Week of August 26, 2019

[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.]

#19-131 *People v. Abt*, S257028. (D073321; nonpublished opinion; San Diego County Superior Court; SCD269892.) Petition for review after the Court of Appeal conditionally reversed a judgment of conviction of a criminal offense.

#19-132 *People v. Berlin*, S256697. (D073030; nonpublished opinion; San Diego County Superior Court; SCD261086.) Petition for review after the Court of Appeal affirmed a judgment of conviction of a criminal offense.

#19-133 *People v. Klein*, S257068. (F077903; nonpublished opinion; Fresno County Superior Court; F18900428.) Petition for review after the Court of Appeal affirmed a judgment of conviction of a criminal offense.

#19-134 *People v. Lopez*, S256957. (B290344; nonpublished opinion; Los Angeles County Superior Court; PA087591.) Petition for review after the Court of Appeal conditionally reversed a judgment of conviction of criminal offenses.

The court ordered briefing in *Abt*, *Berlin*, *Klein*, and *Lopez* 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?

#19-135 *In re Adams*, S257081. (B292106; nonpublished opinion; Los Angeles County Superior Court; BH011798, TA100955.) Petition for review after the Court of Appeal granted relief on a petition for writ of habeas corpus.

#19-136 *In re Bertram*, S257104. (B293475; nonpublished opinion; Los Angeles County Superior Court; BH011750, SA091126.) Petition for review after the Court of Appeal granted relief on a petition for writ of habeas corpus.

The court ordered briefing in *Adams* and *Bertram* 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?

#19-137 *People v. Galindo*, S256568. (A154509; 35 Cal.App.5th 658; Mendocino County Superior Court; SCUKCRPA17927451, SCUKCRCR17927461.) Petition for review after the Court of Appeal dismissed an appeal from a judgment of conviction of a criminal offense. The court ordered briefing deferred pending decision in *People v. Kelly*, S255145 (#19-62), and *People v. Stamps*, S255843 (#19-63), which 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?

#19-138 *People v. Harmon*, S257061. (D073975; nonpublished opinion; San Diego County Superior Court; SCN360700.) 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. 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?

#19-139 *Howard Jarvis Taxpayers Assn. v. Amador Water Agency*, S257009. (C082079; 36 Cal.App.5th 279, mod. 37 Cal.App.5th 164a; Amador County Superior Court; 16CV9564.) Petition for review after the Court of Appeal affirmed the judgment in a civil action. The court ordered briefing deferred pending decision in *Wilde v. City of Dunsmuir*, S252915 (#19-15), which presents the following issue: Can the electorate use the referendum power (Cal. Const., art. II, § 9) to challenge a city's resolution increasing water fees or is such a challenge expressly limited to the power of initiative (Cal. Const., arts. XIII C & XIII D, § 6 (Proposition 218))?

DISPOSITIONS

Review in the following case was dismissed in light of *Mitchell v. Wisconsin* (2019) ___ U.S. ___ [139 S.Ct. 2525]:

#16-196 <i>People v. Arredondo</i>, S233582.	(H040980; 245 Cal.App.4th 186, mod. 245 Cal.App.4th 777d; Santa Clara County Superior Court; C1363765, C1365187)
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Review in the following cases, which were granted and held for *People v. Arredondo*, S233582, was dismissed:

#18-119 <i>People v. Vannesse</i>, S249428.	(B283857; 23 Cal.App.5th 440; Ventura County Superior Court; 2015000120)
#18-122 <i>People v. Balov</i>, S249708.	(D073018; 23 Cal.App.5th 696; San Diego County Superior Court; CA270404)
#18-148 <i>People v. Renshaw</i>, S251373.	(H043421; nonpublished opinion; Santa Clara County Superior Court; C1504844)
#18-149 <i>People v. Renshaw</i>, S251501.	(H044418; nonpublished opinion; Santa Clara County Superior Court; C1504844)
#19-04 <i>People v. Gutierrez</i>, S252532.	(A153419; 27 Cal.App.5th 1155; Contra Costa County Superior Court; 5170563)

Review in the following case was dismissed as improvidently granted:

#18-135 <i>People v. Frazier</i>, S250300.	(B281888; nonpublished opinion; Los Angeles County Superior Court; LA083934)
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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.