



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 for Week of September 8, 2014**

*[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.]*

**#14-102 *In re Abigail A., S220187.*** (C074264; 226 Cal.App.4th 1450; Sacramento County Superior Court; JD232871.) Petition for review after the Court of Appeal reversed orders in a dependency proceeding. This case presents the following issue: Do rules 5.482(c) and 5.484(c)(2) of the California Rules of Court conflict with Welfare and Institutions Code section 224.1, subdivision (a), by requiring the juvenile court to apply the provision of the Indian Child Welfare Act (25 U.S.C. § 1901 et seq.) to a child found by a tribe to be eligible for tribal membership if the child has not yet obtained formal enrollment?

**#14-103 *People v. Juarez, S219889.*** (G049037, G049038; 227 Cal.App.4th 1138; Orange County Superior Court; 12CF3528.) Petition for review after the Court of Appeal reversed an order dismissing a criminal prosecution. This case presents the following issue: Does Penal Code section 1387 require dismissal of a criminal complaint if two prior complaints have been dismissed but the third complaint charges that the identical criminal act violates a different section of the Penal Code than had the two previous complaints?

**#14-104 *People v. Martinez, S219970.*** (E057976; 226 Cal.App.4th 1156; San Bernardino County Superior Court; FMB1200197.) Petition for review after the Court of Appeal affirmed in part and reversed in part a judgment of conviction of a criminal offense. This case presents the following issue: Can a defendant, who is convicted of hit-and-run and sentenced to prison rather than placed on probation, be required to pay restitution for the injuries the victim suffered in the collision?

**#14-105 *Wheatherford v. City of San Rafael, S219567.*** (A138949; 226 Cal.App.4th 460; Marin County Superior Court; CIV1300112.) Petition for review after the Court of Appeal affirmed the judgment in a civil action. This case presents the following issue: Must a plaintiff have paid or be liable to pay a property tax to a government entity in order to bring a taxpayer waste action against that entity under Code of Civil Procedure section 526a, or can the payment of other taxes confer standing?

**#14-106 *People v. Rose, S219821.*** (A135974; 226 Cal.App.4th 996; Alameda County Superior Court; C168323.) Petition for review after the Court of Appeal conditionally reversed a judgment of conviction of criminal offenses and remanded for further proceedings. The court ordered briefing deferred pending decision in *People v. Moran*, S215914 (#14-35), which presents the following issue: Was the condition of probation barring defendant from all Home Depot stores and their parking lots after he was convicted of shoplifting at a single Home Depot store unconstitutionally overbroad as impinging on his constitutional right to travel?

## DISPOSITION

The following case was transferred for reconsideration in light of *People v. Eid* (2014) 59 Cal.4th 650:

**#14-60 *People v. Solis, S217702.***

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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.*