



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 September 25, 2017

[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.]

#17-286 *Black Sky Capital, LLC v. Cobb, S243294.* (E064482; 12 Cal.App.5th 887; San Bernardino County Superior Court; CIVDS1416584.) Petition for review after the Court of Appeal reversed the judgment in a civil action. This case presents the following issue: Does Code of Civil Procedure section 580d permit a creditor that holds both a senior lien and a junior lien on the same parcel of real property arising from separate loans to seek a money judgment on the junior lien after the creditor foreclosed on the senior lien and purchased the property at a nonjudicial foreclosure sale?

#17-287 *In re Kyle C., S243897.* (D071318; nonpublished opinion; San Diego County Superior Court; J238452.) Petition for review after the Court of Appeal affirmed orders in a juvenile wardship proceeding.

#17-288 *People v. Trierweiler, S243902.* (D071316; nonpublished opinion; San Diego County Superior Court; SCD268204.) Petition for review after the Court of Appeal affirmed a judgment of conviction of a criminal offense.

The court ordered briefing in *Kyle C.* and *Trierweiler* 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?

#17-289 *People v. Lara, S243975.* (E065029; nonpublished opinion; Riverside County Superior Court; INF1302723.) Petition for review after the Court of Appeal affirmed a judgment of conviction of a criminal offense.

#17-290 *People v. Ortiz, S243931.* (H042850; nonpublished opinion; Santa Cruz County Superior Court; F25811, F26673.) Petition for review after the Court of Appeal reversed an order denying a petition to recall sentence.

#17-291 *People v. Pena, S243869.* (E064692; nonpublished opinion; Riverside County Superior Court; RIF1400988, RIF1401736, SWF1500028.) Petition for review after the Court of Appeal affirmed judgments of conviction of criminal offenses.

The court ordered briefing in *Lara, Ortiz, and Pena* 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?

#17-292 *People v. Lemon, S243315.* (B262406; nonpublished opinion; Los Angeles County Superior Court; NA096742.) Petition for review after the Court of Appeal conditionally reversed and remanded judgments of conviction of a criminal offense. The court ordered briefing deferred pending decision in *People v. Mendoza, S241647* (#17-208), which presents the following issue: Are the provisions of Proposition 57 that eliminated the direct filing of certain juvenile cases in adult court applicable to cases not yet final on appeal?

#17-293 *People v. Ramos, S243901.* (D070165; nonpublished opinion; San Diego County Superior Court; SCS278617.) 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. Ruiz, S235556* (#16-312), which presents the following issue: May a trial court properly impose a criminal laboratory analysis fee (Health & Saf. Code, § 11372.5, subd. (a)) and a drug program fee (Health & Saf. Code, § 11372.7, subd. (a)) based on a defendant’s conviction for conspiracy to commit certain drug offenses?

#17-294 *People v. Wilburn, S243870.* (E065752; nonpublished opinion; Riverside County Superior Court; SWF020738.) 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?

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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.