



Supreme Court of California
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NEWS RELEASE

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FOR IMMEDIATE RELEASE

October 26, 2018

Summary of Cases Accepted and Related Actions During Week of October 22, 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.]

#18-144 *People v. Bird*, S251312. (D072801; nonpublished opinion; San Diego County Superior Court; SCD273037.) Petition for review after the Court of Appeal modified and affirmed a judgment of conviction of a criminal offense. 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.

#18-145 *People v. Garland*, S250718. (C082670; nonpublished opinion; Sacramento County Superior Court; 15F06523.) Petition for review after the Court of Appeal modified and affirmed 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?

#18-146 *People v. Koback*, S250870. (E066674; 25 Cal.App.5th 323; Riverside County Superior Court; RIF1506598.) 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 *In re B.M.*, S242153 (#17-231), which presents the following issue: Can a butter knife with a rounded end and a serrated edge qualify as a deadly or dangerous weapon under Penal Code section 245, subdivision (a)(1)?

#18-147 *Littlejohn v. Costco Wholesale Corp., S250802.* (A144440; 25 Cal.App.5th 251, mod. 25 Cal.App.5th 587b; San Francisco County Superior Court; CGC13531835.) Petition for review after the Court of Appeal affirmed the judgment in a civil action. The court ordered briefing deferred pending decision in *McClain v. Sav-On-Drugs, S241471* (#17-181), which includes the following issue: Can a purchaser of products allegedly exempt from sales tax but for which the retailer collected sales tax reimbursement bring an action to compel the retailer to seek a sales tax refund from the State Board of Equalization and remit the proceeds to purchasers?

#18-148 *People v. Renshaw, S251373.* (H043421; nonpublished opinion; Santa Clara County Superior Court; C1504844.) Petition for review after the Court of Appeal affirmed an order denying a motion to suppress evidence.

#18-149 *People v. Renshaw, S251501.* (H044418; nonpublished opinion; Santa Clara County Superior Court; C1504844.) Petition for review after the Court of Appeal affirmed a judgment of conviction of criminal offenses.

The court ordered briefing in the *Renshaw* matters 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?

DISPOSITIONS

Review in the following case was dismissed in light of *People v. DeHoyos* (2018) 4 Cal.5th 594:

#15-208 <i>People v. Grewell, S229552.</i>	(D064736; nonpublished opinion; San Diego County Superior Court; SCD247683)
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Review in the following cases was dismissed in light of *People v. Buycks* (2018) 5 Cal. 5th 857:

#15-210 <i>People v. Eandi, S229305.</i>	(C078257; 239 Cal.App.4th 801; Butte County Superior Court; CM042230)
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#15-211 <i>People v. Perez</i>, S229046.	(C078169; 239 Cal.App.4th 24; Yolo County Superior Court; CRF124740)
#16-172 <i>People v. Ferguson</i>, S233596.	(C078270; nonpublished opinion; Butte County Superior Court; CM041680)
#16-195 <i>People v. Strickland</i>, S233933.	(C078578; nonpublished opinion; Yuba County Superior Court; CRF14609)
#16-258 <i>People v. Parks</i>, S235233.	(C078737; nonpublished opinion; San Joaquin County Superior Court; SF121420A)
#16-297 <i>People v. Dodson</i>, S235651.	(D068318; nonpublished opinion; San Diego County Superior Court; SCD249336)
#16-298 <i>People v. Juergens</i>, S235611.	(C079264; nonpublished opinion; Shasta County Superior Court; 12F8520, 13F189)
#17-17 <i>People v. Enquist</i>, S238804.	(C079717; nonpublished opinion; Shasta County Superior Court; 12F2963)
#17-18 <i>People v. Sulitswalley</i>, S238539.	(B271266; nonpublished opinion; Santa Barbara County Superior Court; 1256756)
#17-46 <i>People v. Garcia</i>, S239223.	(B264873; nonpublished opinion; Los Angeles County Superior Court; MA063683)
#17-338 <i>People v. Holtzclaw</i>, S244600.	(F072186; nonpublished opinion; Tuolumne County Superior Court; CRF38014, CRF39561)

Review in the following case was dismissed in light of *People v. Gonzales* (2017) 2 Cal.5th 858 and *People v. Buycks* (2018) 5 Cal. 5th 857:

#16-327 <i>People v. Hamilton</i>, S236490.	(E064030; nonpublished opinion; Riverside County Superior Court; INF1301035)
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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.