



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 October 23, 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.]

#17-303 *Arnaudo Brothers, L.P. v. Agricultural Labor Relations Bd.*, S244322.

(F072420; 14 Cal.App.5th 22.) Petition for review after the Court of Appeal affirmed in part and reversed in part a decision of the Agricultural Labor Relations Board. The court ordered briefing deferred pending decision in *Tri-Fanucchi Farms v. Agricultural Labor Relations Bd.*, S227270 (#15-149), which presents the following issues: (1) May an employer assert as a defense to a request for collective bargaining under the Agricultural Labor Relations Act (Lab. Code, § 1140, et seq.) that the certified union has “abandoned” the bargaining unit? (2) Did the Board err in granting “make whole” relief (Lab. Code, § 1160.3) as a remedy for the employer’s refusal to bargain with the union?

#17-304 *People v. Ermin*, S243864. (H043777; nonpublished opinion; Santa Clara County Superior Court; B1683779.) 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 *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?

#17-305 *People v. Houston*, S243936. (B267503; nonpublished opinion; Los Angeles County Superior Court; BA388294.) Petition for review after the Court of Appeal affirmed in part and reversed in part judgments of conviction of criminal offenses. 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?

#17-306 *People v. Nguyen, S243794.* (D071630; nonpublished opinion; San Diego County Superior Court; SCD267778.) Petition for review after the Court of Appeal affirmed a judgment of conviction of a criminal offense.

#17-307 *People v. Perez, S244466.* (H043965; nonpublished opinion; Orange County Superior Court; SS160692.) Petition for review after the Court of Appeal affirmed an order denying a petition to recall sentence.

The court ordered briefing in *Nguyen* and *Perez* 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?

#17-308 *People v. Ratcliffe, S243919.* (E063690; nonpublished opinion; Riverside County Superior Court; RIF1103874.) 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. Canizales, S221958* (#14-134), which presents the following issue: Was the jury properly instructed on the “kill zone” theory of attempted murder?

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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.