



Supreme Court of California
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NEWS RELEASE

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FOR IMMEDIATE RELEASE

November 21, 2018

Summary of Cases Accepted and Related Actions During Week of November 19, 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.]

#18-159 *Busker v. Wabtec Corp.*, S251135. (9th Cir. No. 17-55165; 903 F.3d 881; Central District of California No. 2:15-cv-08194-ODW-AFM.) Request under California Rules of Court rule 8.548, that this court decide a question of California law presented in a matter pending in the United States Court of Appeals for the Ninth Circuit. The question presented is: “Does work installing electrical equipment on locomotives and rail cars (i.e., the ‘on-board work’ for Metrolink’s [Positive Train Control (PTC)] project) fall within the definition of ‘public works’ under California Labor Code § 1720, subdivision (a)(1), either (a) as constituting ‘construction’ or ‘installation’ under the statute or (b) as being integral to other work performed for the PTC project on the wayside (i.e., the ‘field installation work’)?”

#18-160 *People v. Lopez*, S250829. (F074581; 26 Cal.App.5th 382; Tulare County Superior Court; VCF314447.) Petition for review after the Court of Appeal affirmed a judgment of conviction of a criminal offense. The court limited review to the following issues: (1) Can the prosecution charge theft and shoplifting of the same property, notwithstanding Penal Code section 459.5, subdivision (b), which provides that “Any act of shoplifting as defined in subdivision (a) shall be charged as shoplifting. No person who is charged with shoplifting may also be charged with burglary or theft of the same property”? (2) If not, was trial counsel ineffective for failing to object to the theft charge?

#18-161 *People v. McKenzie*, S251333. (F073942; 25 Cal.App.5th 1207; Madera County Superior Court; MCR047554, MCR047692, MCR047982.) Petition for review after the Court of Appeal remanded for resentencing and otherwise affirmed a judgment of conviction of criminal offenses. This case presents the following issue: When is the

judgment in a criminal case final for purposes of applying a later change in the law if the defendant was granted probation and imposition of sentence was suspended?

#18-162 *People v. Inabnit*, S251441. (C078749; nonpublished opinion; Shasta County Superior Court; 13F282, 13F7685, 14F1618, 14F3212,) Petition for review after the Court of Appeal affirmed an order granting in part and denying in part a petition to recall sentence. The court ordered briefing deferred pending decision in *People v. Orozco*, S249495 (#18-108), which presents the following issue: Can a felony conviction for receiving a stolen vehicle in violation of Penal Code section 496d be reclassified as a misdemeanor under Proposition 47 in light of Penal Code section 496, subdivision (a), which provides that receiving other stolen property is a misdemeanor when the value of the property does not exceed \$950?

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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.