



Supreme Court of California
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NEWS RELEASE

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FOR IMMEDIATE RELEASE

December 13, 2019

Summary of Cases Accepted and Related Actions During Week of December 9, 2019

[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.]

#19-209 *County of Butte v. Department of Water Resources, S258574.* (C071785; 39 Cal.App.5th 708; Yolo County Superior Court; CVCV091258.) Petition for review after the Court of Appeal dismissed an appeal in an action for writ of administrative mandate. This case presents the following issues: (1) To what extent does the Federal Power Act (16 U.S.C. § 791a et seq.) preempt application of the California Environmental Quality Act (Pub. Resources Code, § 21000 et seq.) when the state is acting on its own behalf and exercising its discretion in deciding to pursue licensing for a hydroelectric dam project? (2) Does the Federal Power Act preempt state court challenges to an environmental impact report prepared under the California Environmental Quality Act in order to comply with the federal water quality certification under the federal Clean Water Act?

#19-210 *People v. Hernandez, S258929.* (E069364; nonpublished opinion; Riverside County Superior Court; RIF1406285.) Petition for review after the Court of Appeal conditionally reversed and remanded for the trial court to consider whether to grant diversion under Penal Code section 1001.36 and, if not, to reinstate judgment. The court ordered briefing deferred pending decision in *People v. Frahs, S252220* (#18-175), which presents the following issues: (1) Does Penal Code section 1001.36 apply retroactively to all cases in which the judgment is not yet final? (2) Did the Court of Appeal err by remanding for a determination of defendant's eligibility under Penal Code section 1001.36?

#19-211 *People v. Jacquez, S258517.* (E070761; nonpublished opinion; Riverside County Superior Court; INF1600721, INF1700102, INF1702096.) Petition for review

after the Court of Appeal remanded in part and otherwise affirmed a judgment of conviction of criminal offenses. 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?

#19-212 *People v. Thomas*, S258797. (F078649; nonpublished opinion; Fresno County Superior Court; F15907476.) Petition for review after the Court of Appeal affirmed a judgment of conviction of criminal offenses. The court ordered briefing deferred pending decision in *People v. Tirado*, S257658 (#19-174), which presents the following issue: Can the trial court impose an enhancement under Penal Code section 12022.53, subdivision (b), for personal use of a firearm, or under section 12022.53, subdivision (c), for personal and intentional discharge of a firearm, as part of its authority under section 1385 and subdivision (h) of section 12022.53 to strike an enhancement under subdivision (d) for personal and intentional discharge of a firearm resulting in death or great bodily injury, even if the lesser enhancements were not charged in the information or indictment and were not submitted to the jury?

SEPARATE STATEMENT ON DENIAL OF REVIEW

People v. Valencia, S258038 (B283588; nonpublished opinion; Los Angeles County Superior Court; YA091677.) Petition for review after the Court of Appeal affirmed a judgment of conviction of criminal offenses.

STATUS

The court ordered briefing in the following cases deferred pending decision in *O.G. v. Superior Court*, S259011 (#19-190), which presents the following issue: Did Senate Bill No. 1391 (Stats. 2018, ch. 1012), which eliminated the possibility of transfer to adult criminal court for crimes committed when a minor was 14 or 15 years old, unconstitutionally amend Proposition 57?

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| #19-191 <i>People v. Superior Court (G.G.)</i>, S259048. | (F079007; nonpublished opinion; Stanislaus County Superior Court; 514524) |
| #19-192 <i>People v. Superior Court (I.R.)</i>, S257773. | (F078893; 38 Cal.App.5th 383; Kings County Superior Court; 19JQ0003) |
| #19-193 <i>People v. Superior Court (S.L.)</i>, S258432. | (H046598; 40 Cal.App.5th 114; Santa Clara County Superior Court; JV42913) |
| #19-194 <i>People v. Superior Court (T.D.)</i>, S257980. | (F078697; 38 Cal.App.5th 360, mod. 39 Cal.App.5th 57a; Stanislaus County Superior Court; 512128) |

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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.