

Casing the Cases

by DDA Kevin Hicks, San Joaquin County District Attorney's Office

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Below are highlights of the cases published during the past month with hyperlinks to the full case. Please forward this to attorneys and judges who might benefit. To view the whole opinion, click on the link or copy and paste the link into your browser.

WARNING: The below case summaries are not complete and may even be inaccurate.

Those published in April 2017, along with significant actions by California Supreme Court

Often-used abbreviations

3X	three strikes	MDO	mentally-disordered offender
AD	Appellate Division	MSE	motion to suppress evidence
BIA	Board of Immigration Appeals	MX	motion
BPH	Board of Parole Hearings	NGI	not guilty by reason of insanity
BRD	beyond a reasonable doubt	NOA	notice of appeal
CSC	California Supreme Court	P	people/prosecution
D	defendant	PG	pled guilty
DCA	District Court of Appeal	PNC	pled no contest
DJ	double jeopardy	PNJ	pronouncement of judgment
DJF	Division of Juvenile Facilities	PRCS	post-release community supervision
DP	death penalty	PX	preliminary hearing
DV	domestic violence	SDT	subpoena duces tecum
FTA	fail to appear	SOL	statute of limitations
GBI	great bodily injury	SVP	sexually-violent predator
GJ	grand jury	SW	search warrant
HC	habeas corpus	TC	trial court
HTA	held to answer	TX	transcript
IAC	ineffective assistance of counsel	UT	upper term
IOE	insufficiency of evidence	V	victim
J	juvenile	VOP	violation of probation/parole
JT	jury trial	W	witness
LE	law enforcement		
LIO	lesser-included offense		

Federal Cases

(Criminal cases affecting California)

SCOTUS

AN ADJUDICATION OF THE INTELLECTUAL DISABILITY OF A PERSON UNDER A DEATH SENTENCE SHOULD BE INFORMED BY CURRENT MEDICAL STANDARDS

Moore v. Texas - Filed Mar. 28, 2017, in 15-797 [2017 WL 1136278; 2017 U.S.Lexis 2185].

Facts: A lower Texas state court recommended that the Texas Court of Criminal Appeals (CCA) grant habeas corpus relief based on a finding that a capital prisoner was intellectually disabled and could not be executed. The CCA declined relief because the lower court's recommendation had employed the intellectual-disability guides currently used by the medical community, not the 1992 guides adopted by the CCA in a prior case. The CCA further concluded that seven evidentiary factors listed in that prior case weighed against granting relief.

Held: Judgment vacated. Adjudications of intellectual disability should be informed by current medical standards. The seven evidentiary factors adopted by the CCA do not cite medical or judicial authority, and have been criticized by scholars and experts.

(Ginsburg, J., delivered the opinion of the Court, in which Kennedy, Breyer, Sotomayor, and Kagan, JJ., joined. Roberts, C.J., filed a dissenting opinion, in which Thomas and Alito, JJ., joined.)

A DEFENDANT WHO WISHES TO APPEAL A RESTITUTION ORDER IN A DEFERRED RESTITUTION CASE MUST FILE A NOTICE OF APPEAL FROM THAT ORDER

Manrique v. United States - Filed Apr. 19, 2017, in 15-7250 [2017 WL 1390728; 2017 U.S.Lexis 2616].

Facts: Federal def. pleaded guilty to possession of child pornography and was sentenced. The court postponed the restitution hearing because the victims' damages had not yet been ascertained. Def. filed a notice of appeal. The court subsequently held a hearing and ordered restitution. Def. did not file a second notice of appeal from the restitution order or from the amended judgment, but challenged the restitution amount on appeal.

Held: Def.'s notice of appeal preceded the sentence and judgment imposing restitution and, therefore, could not have been for review of the restitution order.

(Thomas, J., delivered the opinion of the Court, in which Roberts, C.J., and Kennedy, Breyer, Alito, and Kagan, JJ., joined. Ginsburg, J., filed a dissenting opinion, in which Sotomayor, J., joined. Gorsuch, J., took no part in the consideration or decision of the case.)

A STATE MAY IMPOSE NO MORE THAN MINIMAL PROCEDURES TO REFUND RESTITUTION AND FEE MONEY TO A DEFENDANT WHOSE CONVICTION WAS REVERSED

Nelson v. Colorado - Filed Apr. 19, 2017, in 15-1256 [2017 WL 1390727; 2017 U.S.Lexis 2615].

Facts: Two Colorado defs. were convicted of crimes and required to pay court costs, fees, and restitution. Defs. moved for return of the money after their convictions were reversed on appeal. A state statute required them to file a claim and prove actual innocence by clear and convincing evidence in order to receive a refund.

Held: The state's procedure violates due process. The state may not impose anything more than

minimal procedures on the refund of money dependent upon an invalidated conviction. (Ginsburg, J., delivered the opinion of the Court, in which Roberts, C.J., and Kennedy, Breyer, Sotomayor, and Kagan, JJ., joined. Alito, J., filed an opinion concurring in the judgment. Thomas, J., filed a dissenting opinion. Gorsuch, J., took no part in the consideration or decision of the cases.)

Ninth Circuit

A DISTRICT COURT CANNOT ORDER A STATE TO REIMBURSE AN INDIGENT HABEAS PETITIONER FOR DEPOSITION EXPENSES IN A § 2254 HABEAS PROCEEDING WHEN THE STATE DID NOT REQUEST THE DEPOSITION

Copeland v. Ryan - Filed Mar. 28, 2017, in 16-15849 [2017 WL 1149115; 2017 U.S.App.Lexis 5382].

Facts: Def. sought to depose two witnesses in support of his “actual innocence” argument to overcome 28 U.S.C. § 2254’s one-year statute of limitations. The district court granted his motions that the State reimburse def. for certain deposition expenses. The State filed an interlocutory appeal challenging those orders.

Held: (1.) The district court’s orders requiring a state corrections official to reimburse a petitioner for deposition expenses incurred in a pending habeas proceeding under 28 U.S.C. § 2254 were appealable under the collateral order doctrine. **(2.)** A district court cannot order a state to reimburse an indigent habeas petitioner for deposition expenses in a § 2254 habeas proceeding when the state did not request the deposition. Remanded to consider whether def. qualifies for reimbursement from the federal government under the Criminal Justice Act.

ARIZONA - INTERLOCUTORY APPEAL - ORDERS FOR REIMBURSEMENT OF DEPOSITION EXPENSES REVERSED & REMANDED SDAG STEPHANIE C. BRENAN (FOR ARIZONA ATTORNEY GENERAL’S OFFICE) - (213) 897-2056

A FEDERAL HABEAS COURT MUST OBTAIN AND REVIEW THE RELEVANT PORTIONS OF THE STATE-COURT RECORD BEFORE RULING ON THE MERITS OF A HABEAS PETITION

Nasby v. McDaniel - Filed Apr. 10, 2017, in 14-17313 [2017 WL 1314938; 2017 U.S.App.Lexis 6127].

Facts: The district court denied def.’s federal habeas petition on the merits without obtaining or reviewing the transcripts of def.’s trial or the evidentiary hearing held in state court.

Held: (1.) A long line of circuit cases require a federal habeas court to independently examine the basis for a state court’s decision, rather than accept the state court’s determination of facts on faith. Thus, the district court erred in ruling on the merits of def.’s claims without first requiring the state to submit all relevant portions of the state-court record, including trial and evidentiary hearing transcripts.

NEVADA - MURDER - DISMISSAL OF HABEAS PETITION VACATED & REMANDED FOR FURTHER PROCEEDINGS
SDAG STEPHANIE C. BRENAN (FOR NEVADA ATTORNEY GENERAL’S OFFICE) - (213) 897-2056

Appellate Division, DCA, and CSC cases

3/9/17 (pub 4/6)

P. v. Martinez (4/1)

<http://www.courts.ca.gov/opinions/documents/D067052.PDF>

Corp. Code 29536, PC 182, 186.11

Background: on P appeal after TC had dismissed counts on MX for new trial, the dismissals were reversed and it was remanded for another judge to sentence. Suff evid of Corp. Code 29536 where Vs invested in money management arrangements as to foreign currency exchange, rejecting D arg that the statute only concerns commodities and rejecting D claims that they did not personally do any of the trading.

Harmless error (*Chapman* standard) in failure to instruct on scienter requirement.

Re claim that TC should have given unanimity instr re whether overt acts for PC 182 fell within SOL, claim forfeited b/c Ds did not request and issue not on face of charging doc.

No IAC for no so requesting.

Ds argue that they may have the reinstated convictions ruled on by the original TC on their 13th juror new-trial MXs. Held, in view of remittitur order, sentencing court did not err in refusing the new-trial MX.

Factual issues re restitution amount forfeited by failing to present to TC.

Finding that PC 182 can be the operative crime resulting in V losses, no error in ordering restitution re overt acts underlying the PC 182.

Suff evid for great-takings enhancement.

3/21/17 (pub 4/19)

In re Edward B. (1/2)

<http://www.courts.ca.gov/opinions/documents/A148887.PDF>

probation conditions

Gang condition stricken as it prohibits legal conduct and unrelated to offense and future criminality. Condition re school facilities where J not enrolled affirmed. As AG agrees, error in failure to set maximum confinement and assess credit for time served.

(How does condition not to associate w/ gang members NOT prevent criminality?)

3/22/17 (pub 4/12)

In re Rhoades (4/1)

<http://www.courts.ca.gov/opinions/documents/D070488.PDF>

HC reversed re tobacco use

TC erred in granting HC w/o holding evid hearing whether prison policy against tobacco use substantially burdened exercise of D's religion where D claimed tobacco use part of his Native American religious practice.

4/3/14

P. v. Financial Casualty & Surety (2/2)

<http://www.courts.ca.gov/opinions/documents/B264718.PDF>

PC 1305 proof of ID

No error in refusing to vacate bond forfeiture where prosecuting agency demanded photo or fingerprints of defendant reportedly found in another jurisdiction and surety was not likely to provide that information within the time allowed to seek vacatur.

4/3/17

P. v. Bryant (2/1)

<http://www.courts.ca.gov/opinions/documents/B271300.PDF>

electronic search condition

Where D conv of loaded firearm in vehicle, probation condition for search of electronic devices was overbroad.

4/3/17

P. v. Rascon (2/1)

<http://www.courts.ca.gov/opinions/documents/B269000.PDF>

Prop 64

D was not entitled to automatic reduction of HS 11359 to misd where conv not yet final at time Prop 64 passed.

4/4/17

P. v. Billie (2/6)

<http://www.courts.ca.gov/opinions/documents/B265958.PDF>

Faretta and restraints

No error in restraints of self-rep D, where TC made effort to balance 6th Am and safety.

4/4/17

P. v. Parrott (1/4)

<http://www.courts.ca.gov/opinions/documents/A146642.PDF>

Detention, *Faretta* sentencing

Car rolling backwards, then D gets out of driver's door, then apparently try to jump-start. When D rolled disabled car to curb, LE stopped and offered assistance. D kept reaching to bulge in sweatshirt. LE asked him not to that and then to step onto sidewalk. Upon finding driver's license suspended, arrested D, found gun. Held no detention by asking D to step onto sidewalk. Rejecting arg that LE never saw him drive (so no VC violation), held that LE had PC that D had driven car b/f it stalled.

D's appointed counsel could not be located for sentencing and D chose to rep self. Held, record does not show unequivocal invocation of *Faretta*, error harmless (*Chapman* standard), rejecting arg that the error was structural.

4/4/17

P. v. Scott (2/1)

<http://www.courts.ca.gov/opinions/documents/B270426.PDF>

Robbery counts reversed for excluding D's family

During trial of gang member for several counts of robbing Js of cell phones, a V reported telephone calls from unknown callers threatening her not to testify. When that V and another frightened V testified, TC excluded D's family from courtroom. Family excluded while 3 Vs and their family members testified. Family not excluded while evidence taken on three other counts. Held, in view of no evid connecting family to threats, 6th Am viol in excluding family. The three counts reversed where family excluded during the evid, but affirmed as to remaining counts.

4/5/17

P. v. Truong (2/1)

<http://www.courts.ca.gov/opinions/documents/B263744.PDF>

PC 484e(d), 496, 530.5

Suff evid of PC 484e(d) based on D possession of V's credit cards. Text of PC 496 prohibits PC 496 conv for same conduct. Suff evid of PC 530.5 based on D taking home V account information from her job at bank. Any error in allowing evid of credit card limits harmless (*Watson* standard).

4/7/17

P. v. Sharpe (3)

<http://www.courts.ca.gov/opinions/documents/C076938.PDF>

restitution

Fleeing from robbery, Ds smashed V's pickup. Error to award restitution based on both decrease in market value (orig market value minus salvage value) and cost to repair where V kept and repaired the pickup. Since having it repaired increased it value above the salvage value, giving both value decrease and repair cost amounts to a windfall. Other tangential costs and fees were proper.

4/10/17

P. v. Tovar (1/1)

<http://www.courts.ca.gov/opinions/documents/A145498.PDF>

PC 186.22(b) and *Prunty*

Suff evid for gang enhancement in PC 187 where D, with planning and help from gang, ambushed and stabbed V in retaliation for V having hospitalized D in a fist fight, rejecting Prunty argument b/c all the players were in D's subset of Norteños.

4/10/17

P. v. Sloat (2/5)

<http://www.courts.ca.gov/opinions/documents/B270080A.PDF>

Prop 47, PC 666, 459.5

Error denying reduction of PC 666 to misd where TC seemed to believe, ala PC 459.5, that PC 666 reductions are only allowed where D enters a commercial business.

4/11/17

P. v. Douglas (3)

<http://www.courts.ca.gov/opinions/documents/C072881.PDF>

Batson/Wheeler remand

Violence following V employment of male prostitute.

Where P used two peremptory challenges against openly gay prospective jurors, remanded for further analysis by TC where one reason the P gave for the challenges was that, since the V was hiding his homosexuality and lied to police about activities, P said they might be biased against V for lack of openness. Held, since this reason amounted to challenge based on protected class, remand for TC to decide whether other reasons for challenge sufficed. Analyzing the various appellate approaches to challenges based on permissible and impermissible reasons, DCA chooses the "mixed motive" scheme.

4/12/17

P. v. Bechtol (1/5)

<http://www.courts.ca.gov/opinions/documents/A146680.PDF>

VC 41403

VC 41403, which sets up procedural rules for challenging VC prior convictions, does not independently allow collateral attack on the prior on IAC grounds.

4/13/17

In re Trejo (1/2)

<http://www.courts.ca.gov/opinions/documents/A149064.PDF>

PC 3051 and 3046

D in 1980 sentenced to 15-life for PC 187 2d committed at age 17. At age 20 conv of PC 245 on peace officer and weapon possession in prison and sentenced to 4 yrs conseq. After 35 yrs, BPH found D elig for parole per PC 3051, but said he yet had to serve the 4 yrs for the in-prison offense. Held, D entitled to release upon grant of parole (Nov 2015), notwithstanding the consecutive 4-yr term. Time spent in custody beyond Nov 2015 to be credited against his parole period.

4/13/17 (pub 4/20)

P. v. (Yolo) Sup. Ct. (Rodas) (3)

<http://www.courts.ca.gov/opinions/documents/C082363.PDF>

Prop 47 and retroactivity re transport for personal use

D PNC'd to felony HS 11352 for personal use in 7/07. Due to several VOPs and absconding, D still on probation when Prop 47 passed, making transport for personal use a misd. TC granted D's MX to withdraw plea and reduced conv to misd. After P appeal dismissed (non-appealable order), P filed writ petition. Held, b/c D did not move to withdraw the plea within 6 months (PC 1018) and did not timely appeal (PC 1237), TC lacked jurisdiction to allow plea withdrawal, rejecting D arg that judgment not final, so *Estrada* mandates retroactivity.

4/14/17

P. v. Lua (4/2)

<http://www.courts.ca.gov/opinions/documents/E064038.PDF>

HS 11379, 11370.2

No prejudicial error in instruction on HS 11379 re transport for sale. No error in response to jury questions re intent to sell. Harmless error in incorrect wording of verdict form that was corrected during deliberations.

Remand for resentencing due to doubt whether TC understood its discretion for possible dismissal of HS 11370.2 enhancements.

4/14/17

P. v. Paz (2/5)

<http://www.courts.ca.gov/opinions/documents/B265251.PDF>

PC 286

Suff evid for penetration element of forcible sodomy charge where D penetrates beyond the buttocks into the perianal fold and there was trauma to the perianal fold, but no testimony that D penetrated the anus, itself.

4/17/17

P. v. Becerrada (SC)

<http://www.courts.ca.gov/opinions/documents/S170957.PDF>

DP auto appeal, lying-in-wait reversed

Guilt Evid of D tattoos. Evid of D making gang sign. Gang evid from address book. Evid of D statement to 3d party. Evid of V statement. Standard instructions and BRD. IOE of lying-in-wait spec circ.

Penalty Evid and instructions re jail violence. Cal DP.

4/18/17

P. v. Antonio (4/1)

<http://www.courts.ca.gov/opinions/documents/D070590.PDF>

PC 2900

Appeal dismissed where TC, having ordered D's sentence concurrent w/ foreign sentence, refused to order CDCR to follow PC 2900.

4/19/17

P. v. Armijo (2/7)

<http://www.courts.ca.gov/opinions/documents/B266687.PDF>

Marsden by letter

Following plea admitting PNC to PC 664/187 admitting enhancements, prejudicial error (*Chapman* standard) in not holding *Marsden* hearing based on letter from D to court stating that appointed counsel was failing to provide effective assistance.

4/20/17

P. v. Wismer (4/1)

<http://www.courts.ca.gov/opinions/documents/D068743.PDF>

juror misconduct

Disputing whether D's reaction to a pretext phone call was consistent with innocence, one juror falsely accused another of offensive conduct to demonstrate an innocent response. DCA called this an "experiment" and misconduct, requiring new trial.

4/20/17

P. v. Valdez (3)

<http://www.courts.ca.gov/opinions/documents/C077882.PDF>

Prop 36 and shank in prison

No error in denial of Prop 36 petition where, during his “current” offense (PC 4502—sharp instrument in prison), D was armed with a deadly weapon. The shank was found in his cell while he was in the shower.

Duarte concurs/dissents that the majority analysis, applying the weapon possession as a continuing offense, such that the D is always constructively armed, erases the difference between possession and “armed.”

A COMMON BUTTER KNIFE MAY BE CONSIDERED A DEADLY WEAPON

In re B.M. - Filed Apr. 20, 2017, in B277076 (2 DCA, Div. 6) [2017 WL 1406576; 2017 Cal.App.Lexis 363].

Facts: Minor attacked her sister with “a small . . . knife, like a butter knife.” Minor was outside the house after the attack when an officer arrived to investigate. The officer asked minor, who was 17 years old, to sit on the bumper of his patrol car so he could talk to her about what happened, which she did. On appeal, minor claimed that her statement was taken in violation of *Miranda* and that a butter knife could not be a deadly weapon.

Held: (1.) Based on the “totality of the circumstances,” minor was not subjected to custodial interrogation. The officer did not place her under arrest or handcuff her. He was the only officer present. The detention was not prolonged and occurred in a noncoercive atmosphere outside minor’s residence. **(2.)** In determining whether an object not inherently deadly or dangerous is used as such, the trier of fact may consider the nature of the object, the manner in which it is used, and all other facts relevant to the issue. Under these standards, a six-inch metal butter knife can be a deadly weapon because it can be used to slice or stab, even though it was not designed for such. (Disagreeing with *In re Brandon T.* (2011) 191 Cal.App.4th 1491.)

LOS ANGELES COUNTY - ASSAULT WITH A DEADLY WEAPON - AFFIRMED
LA2016503033 - DAG MICHAEL J. WISE - (213) 897-2381

4/21/17

P. v. Costella (4/2)

<http://www.courts.ca.gov/opinions/documents/E064374.PDF>

PC 451, 3051

Suff evid that roadside brush was “forest land” for PC 451. B/c D was 20 at time of PC 187/12022.53 that resulted in 40-life sentence, D subject to PC 3051 and case is remanded for limited purpose of *Franklin* “baseline” hearing.

4/24/17

In re Kirchner (SC)

<http://www.courts.ca.gov/opinions/documents/S233508.PDF>

J LWOP

Where TC did not employ *Miller* factors 20 years ago in sentencing J (at time of PC 187) to LWOP, D entitled to resentencing. Rejects AG argument that any error cured by PC

1170(d)(2), allowing for parole since PC 1170(d)(2) does not involve the “full array” of *Miller* considerations. Nor is J required to attempt the PC 1170(d)(2) remedy prior to filing for HC.

4/42/17

P. v. Vela (4/3)

<http://www.courts.ca.gov/opinions/documents/G052282.PDF>

Prop 57 retroactive

Where D conv of PC 187, sentenced to 72-life, following direct-file against J, D benefits from Prop 57 b/c judgment not final at time Prop 57 passed. Conditional reversal—WI 707 hearing to be held in J court. If certified to adult court, judgment to be affirmed. If J court declines transfer, conv to be converted into a J disposition.

4/21/17

P. v. Stanford (1/1)

<http://www.courts.ca.gov/opinions/documents/A145156.PDF>

Insuff ID evid of PC 211

PC 211 2d reversed for insuff ID evid where no physical or W evid ID'd as one of the robbers and uncontroverted evid showed one of the occupants in the get-away car entered the car after the robbery.

4/26/17

P. v. Elder (6)

<http://www.courts.ca.gov/opinions/documents/H042189.PDF>

PC 1054, VC 23558, civil instruction

D killed 2 Vs and injured his passenger, conv of PC 191.5, DUIs, and enhancements. No error in denial of MSE where, on conflicting evid, TC found that D signed his consent for before blood drawn. Finding the evid not exculpatory, no error in denial of MX to order CHP to release evid of prior collisions at crash location. No error in not admitting evid of V's higher postmortem blood alcohol test where parties stipulated V's blood alcohol was .07%. No error denying civil instruction re superseding intervening cause. Viol of PC 654 in imposing enhancements for both VC 23558 and PC 12022.7 as to same Vs.

4/26/17

P. v. Pou (2/5)

<http://www.courts.ca.gov/opinions/documents/B269349.PDF>

Emergency exception

Warrantless entry of home justified by emergency exception based on report of woman screaming, male opened door, refused to allow entry. Allowed to continue searching through large house where unable to locate screaming woman. Although the address turned out to be wrong, when LE arrived they heard several people loudly arguing inside.

4/27/17

P. v. Guzman (2/3)

<http://www.courts.ca.gov/opinions/documents/B265937.PDF>

PC 632

In view of Truth-in-Evidence rule, recordings of telephone calls in violation of PC 632 are admissible in criminal trials.

4/28/17

In re R.S. (4/1)

<http://www.courts.ca.gov/opinions/documents/D071020.PDF>

probation conditions

J forfeited objections to probation conditions by not challenging them below. Search condition not vague or overbroad on its face. Condition re car travel with other Js not too vague. Conceded error in calculation of custody credits.

4/28/17

In re I.V. (4/1)

<http://www.courts.ca.gov/opinions/documents/D070611.PDF>

CRC 5.651(b)

In imposing probation condition that J participate in program, TC sufficiently complied with CRC 5.651 re J's educational needs. By failing to object, J forfeited objection to search condition that it could encompass electronic searches. On merits, the condition does not include electronics.

4/28/17

Carr v. (Contra Costa) Sup. Ct. (1/3)

<http://www.courts.ca.gov/opinions/documents/A147957.PDF>

PC 1370.1

Denying writ petition challenging competency trial for D charged with PC 187, lawful for Department of State Hospitals to certify D's restoration to competency even though D had not yet been placed into a treatment facility.

CSC actions in criminal cases

No conference of 4/5/17

Conference of 4/12/17

#17-116 *In re Cook, S240153.* (G050907; 7 Cal.App.5th 393; San Bernardino County Superior Court; WHCSS1400290.) Petition for review after the Court of Appeal granted relief on a petition for writ of habeas corpus. This case presents the following issue: Does habeas corpus jurisdiction exist for a petitioner seeking a post-sentencing hearing to make a record of “mitigating evidence tied to his youth” (*People v. Franklin* (2016) 63 Cal.4th 261, 276) after the conviction is final?

#17-117 *People v. Rodriguez, S239713.* (F065807; nonpublished opinion; Stanislaus County Superior Court; 1085319, 1085636.) Petition for review after the Court of Appeal affirmed a judgment of conviction of criminal offenses. The court limited review to the following issues: (1) Was the accomplice testimony in this case sufficiently corroborated? (See *People v. Romero & Self* (2015) 62 Cal.4th 1, 36.) (2) Is defendant’s constitutional challenge to his 50 years to life sentence moot when, unlike in *People v. Franklin* (2016) 63 Cal.4th 261, his case was not remanded to the trial court to determine if he was provided an adequate opportunity to make a record of information that will be relevant to the Board of Parole Hearings as it fulfills its statutory obligations under Penal Code sections 3051 and 4801?

ALLISON, PEOPLE v. S240485 H043417 Petition for Review GRANTED and Held

GH for *People v. Page, S230793* (#16-28) (Prop 47 and cars)

DEAN, PEOPLE v. S239560 B258927 Petition for Review GRANTED and Held

GH for *People v. Gutierrez, S224724* (15-73), and *People v. Enriquez, S240249* (#17-84) (*Batson/Wheeler*)

HAMMONDS, PEOPLE v. S240312 B268411 Petition for Review GRANTED and Held

GH for *People v. Estrada, S232114* (#16-104) (Prop 36 and facts of dismissed counts)

HARMON, PEOPLE v. S240324 B269971 Petition for Review GRANTED and Held

People v. Chaney, S223676 (#15-13), and *People v. Valencia, S223825* (#15-14) (Prop 36 v. 47 dangerousness)

HUSSEIN v. DRIVER S240506 A144786 Petition for Review GRANTED and Held

IN RE EDWIN P. S240004 G052488 Petition for Review GRANTED and Held

GH for *People v. Romanowski, S231405* (#16-24) (Prop 47 and PC 484e(d))

IN RE J.R. S240385 A147835 Petition for Review GRANTED and Held

GH for *In re Ricardo P., S230923* (#16-41) (electronic search conditions)

IN RE Q.R. S240222 H043075 Petition for Review GRANTED and Held

GH for *In re Ricardo P., S230923* (#16-41) (electronic search conditions)

IN RE V.F. S240433 A147760 Petition for Review GRANTED and Held

GH for *In re C.B., S237801* (#16-384), and *In re C.H., S237762* (#16-395) (Prop 47 and J DNA)

JOHNSON, PEOPLE v. S240509 F071140 Petition for Review GRANTED and Held

GH for *People v. Valenzuela*, S232900 (#16-97) (Prop 47 and prison priors)
LEPE, PEOPLE v. S240423 F071320 Petition for Review GRANTED and Held
GH for *People v. Romanowski*, S231405 (#16-24) (Prop 47 and PC 484e(d))
OCHOA, PEOPLE v. S240285 B265361 Petition for Review GRANTED and Held
GH for *People v. Romanowski*, S231405 (#16-24) (Prop 47 and PC 484e(d))
PEREA, PEOPLE v. S240426 B271624 Petition for Review GRANTED and Held
GH for *People v. Valenzuela*, S232900 (#16-97) (Prop 47 and prison priors)
PEREZ, PEOPLE v. S240519 F070534 Petition for Review GRANTED and Held
People v. Chaney, S223676 (#15-13), and *People v. Valencia*, S223825 (#15-14) (Prop 36 v. 47 dangerousness)
S.C. (COOK), PEOPLE v. S240363 B277626 Petition for Review GRANTED and Held
GH for *Hopkins v. Superior Court*, S237734 (#16-397) (diversion for DUI?)
TRAN, PEOPLE v. S239554 G051907 Petition for Review GRANTED and Held
GH for *People v. Page*, S230793 (#16-28) (Prop 47 and cars)
TRUJILLO, PEOPLE v. S240503 D070215 Petition for Review GRANTED and Held
GH for *In re Ricardo P.*, S230923 (#16-41) (electronic search conditions)
GARCIA (MARIO) ON H.C. S238554 Habeas Corpus petition OSC - Superior Court
ALMANZA, PEOPLE v. S233704 B258565 Grant - dismissal/lead case Dismissed - to CA 2/6
CARSON, PEOPLE v. S229816 A139953 Grant - dismissal/lead case Dismissed - to CA 1/1
ESPINO, PEOPLE v. S235540 H040942 Grant - dismissal/lead case Dismissed - to CA 6
IN RE D.W. S235745 A145470 Grant - dismissal/lead case 1/3 Transferred after hold
KAHN, PEOPLE v. S235762 G050574 Grant - dismissal/lead case Dismissed - to CA 4/3
LAVALLE, PEOPLE v. S227074 A139018 Grant - dismissal/lead case Dismissed - to CA 1/1
LOPEZ, PEOPLE v. S229117 A139857 Grant - dismissal/lead case Dismissed - to CA 1/5
SMITH, PEOPLE v. S229387 G050496 Grant - dismissal/lead case Dismissed - to CA 4/3
SPENCER, PEOPLE v. S227523 B255745 Grant - dismissal/lead case Dismissed - to CA 2/5
WEBB (DENNIS DUANE) ON H.C. S223797 Habeas Corpus petition Dismissed
WILLIAMS, PEOPLE v. S226857 D064781 Grant - dismissal/lead case Dismissed - to CA 4/1

Conference of 4/19/17

HARRIS, PEOPLE v. S240505 C081653 Petition for Review GRANTED and Held
GH for *People v. Valenzuela*, S232900 (#16-97) (Prop 47 and prison priors)
KENNEDY, PEOPLE v. S240321 B264661 Petition for Review GRANTED and Held
GH for *People v. Canizales*, S221958 (#14-134) (kill zone)
LOWERY, PEOPLE v. S240615 H042551 Petition for Review GRANTED and Held
GH for *People v. Franco*, S233963 (#16-218) (Prop 47 and value of check)
HERNANDEZ v. S.C. (PEOPLE) S240246 F074859 Petition for Review G&T 5 <alternative writ>

Conference of 4/26/17

BASTIDAS, PEOPLE v. S240208 A146431 Petition for Review GRANTED and Held
GH for *People v. DeHoyos*, S228230 (#15-171) (Prop 47 retroactivity)
GREENLEE, PEOPLE v. S240563 B268860 Petition for Review GRANTED and Held
GH for *People v. Valenzuela*, S232900 (#16-97) (Prop 47 and prison priors)
MORENO, PEOPLE v. S240754 G051550 Petition for Review GRANTED and Held
GH for *People v. Page*, S230793 (#16-28) (Prop 47 and car theft)
TUCKER, PEOPLE v. S240118 B267255 Petition for Review GRANTED and Held

GH for *People v. Valenzuela*, S232900 (#16-97) (Prop 47 and prison priors)
WILSON, PEOPLE v. S240795 B266967 Petition for Review GRANTED and Held
GH for *People v. Chaney*, S223676 (#15-13), and *People v. Valencia*, S223825 (#15-14) (Prop 36 & 47 dangerousness)