

## Casing the Cases

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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 June 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**

5/30/17

LA v. Mendez

[https://www.supremecourt.gov/opinions/16pdf/16-369\\_09m1.pdf](https://www.supremecourt.gov/opinions/16pdf/16-369_09m1.pdf)

Ninth Circuit’s “provocation rule” disapproved

LA deputies searched house for armed parolee-at-large. In shack behind house, unexpectedly find to other people sleeping in the shack. One pulls out a BB gun. Deputy yells, “Gun,” and deputies fire, killing both. In 42 USC 1983 suit, District Court awards nominal damages on warrantless-entry and knock-notice claims. As for unreasonable force claim, although found force reasonable, felt compelled by Ninth Circuit’s “provocation rule” to find the force unreasonable due to the warrantless-entry and knock-notice violations. Ninth Circuit affirms.

Reversed. The “provocation rule” has no basis in 4<sup>th</sup> Am law. Remanded for litigation applying *Graham* rule—whether the totality of the circumstances justifies the search/seizure.

**CAL. P.C. § 261.5(c) IS NOT AN AGGRAVATED FELONY FOR IMMIGRATION PURPOSES**

**Esquivel-Quintana v. Sessions** - Filed May 30, 2017, in 16-54 [2017 WL 2322840; 2017

**U.S.Lexis**

**3551].**

**Facts:** Removal proceedings were brought against def., a foreign national, based on his conviction in California of a statutory rape offense: unlawful sexual intercourse with a minor who is more than three years younger than the perpetrator. (Cal. P.C. § 261.5(c).) “Sexual abuse of a minor” is an aggravated felony, subjecting a convicted alien to deportation. (8 U.S.C. § 1101(a)(43)(A).) California defines a “minor” for purposes of Cal. P.C. § 261.5 as a person under the age of 18 years.

**Held:** A state conviction qualifies as an aggravated felony only if the least of the acts criminalized falls within the generic federal definition of sexual abuse of a minor. Reliable legal dictionaries, a closely related federal statute, and a majority of state criminal codes provide evidence that the “generic” age for statutory rape is 16. Because California’s statute criminalizes sexual intercourse when the victim is up to 17 years old, it does not qualify as an aggravated felony.

(Thomas, J., delivered the opinion of the Court, in which all other members joined, except Gorsuch, J., who took no part in the consideration or decision of the case.)

**THE VIRGINIA SUPREME COURT WAS NOT OBJECTIVELY**

**UNREASONABLE IN HOLDING THAT VIRGINIA’S GERIATRIC RELEASE PROGRAM PROVIDES JUVENILES A MEANINGFUL OPPORTUNITY FOR PAROLE UNDER *GRAHAM v. FLORIDA***

**Virginia v. LeBlanc** - Filed June 12, 2017, in 16-1177 [2017 WL 2507375; 2017 U.S.Lexis 3720].

**Facts:** Virginia def. was sentenced to life in prison for a rape he committed in 1999 when he was 16. In the 1990’s, Virginia had abolished a traditional parole system in favor of a “geriatric release” program that allowed inmates over 60 to receive conditional release under some circumstances. In 2010, the Supreme Court held that the Eighth Amendment prohibits juvenile offenders convicted of nonhomicide offenses from being sentenced to life without parole. (*Graham v. Florida*, 560 U.S. 48 (2010).) The Court held that the state is not required to guarantee eventual freedom to the juvenile offender, but must provide some meaningful opportunity to obtain release based on demonstrated maturity and rehabilitation. In 2011, the Virginia Supreme Court held that the state’s geriatric release program satisfied *Graham*. The state courts denied def.’s motion to vacate his sentence based on this case. The Fourth Circuit granted habeas relief, finding this decision an unreasonable application of *Graham*.

**Held:** It was not objectively unreasonable for the state court to conclude that the geriatric release program satisfied *Graham* because the program employed normal parole factors like the person’s history, conduct in custody, relationships with staff and inmates, and changes in attitude. (PER CURIAM.)

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6/19/17

McWilliams v. Dunn

[https://www.supremecourt.gov/opinions/16pdf/16-5294\\_h3dj.pdf](https://www.supremecourt.gov/opinions/16pdf/16-5294_h3dj.pdf)

Denial of HC for DP reversed

Alabama violated clearly-established law (*Ake v. Oklahoma*) in denying psych expert for DP D.

Alito, with Roberts, Thomas, and Gorsuch, dissents that *Ake v. Oklahoma* does not require that an expert be provided for the defense team—only that a neutral expert be provided.

6/19/17

Packingham v. North Carolina

[https://www.supremecourt.gov/opinions/16pdf/15-1194\\_0811.pdf](https://www.supremecourt.gov/opinions/16pdf/15-1194_0811.pdf)

Sex offender social media limits

State law violates 1st Am by making it a felony for a registered sex offender to access social networking websites known to be available to minors.

Alito, with Roberts and Thomas concurred in judgment, stating that the law’s overbreadth violates 1<sup>st</sup> Am, but the majority opinion unnecessarily equates the internet with public streets and parks.

6/22/17

Weaver v. Massachusetts

[https://www.supremecourt.gov/opinions/16pdf/16-240\\_g3bi.pdf](https://www.supremecourt.gov/opinions/16pdf/16-240_g3bi.pdf)

Structural error not automatic reversal

During voir dire, inadequate seating for anyone other than potential jurors, so TC excluded D's family. No objection, issue not raised on direct appeal. On HC, D claims IAC for failure to object.

State court called it structural error, but then affirmed b/c D did not show prejudice required for IAC claim.

Affirmed, agreeing that not all structural error requires automatic reversal.

Thomas (with Gorsuch) concurs, questioning whether there was a 6<sup>th</sup> Am violation at all.

Alito (with Gorsuch) concurs, disagreeing with labeling it "structural." To succeed via IAC claim, D must show trial result to be unreliable.

Breyer (with Kagan) dissents, disagreeing that a D who has shown defective counsel caused structural error must meet additional "hurdle" of showing that the error changed the outcome.

### Ninth Circuit

6/8/17

Ramirez-Contreras v. Sessions

<http://cdn.ca9.uscourts.gov/datastore/opinions/2017/06/08/14-70452.pdf>

VC 2800.2

VC 280032 not categorically a crime involving moral turpitude, so it does not make immigrant statutorily ineligible for cancellation of removal.

6/21/17

Brewster v. Beck

<http://cdn.ca9.uscourts.gov/datastore/opinions/2017/06/21/15-55479.pdf>

Impound brings lawsuit

Car impounded for 30 days because driver, who'd borrowed the car, had suspended license. Licensed owner tried to retrieve it, but was refused. Owner's lawsuit 42 USC 1983 validly stated claim that impoundment was a warrantless seizure in violation of 4<sup>th</sup> Am.

**Appellate Division, DCA, and CSC cases**

4/28/17 (pub 6/12)

Saunders v. (Sta Clara) Sup. Ct. (Sta Clara App Div)

<http://www.courts.ca.gov/opinions/documents/JAD17-04.PDF>

CPRA

Jail custodial officer's cell phone records obtained by SW for prosecution for unlawfully sharing jail records with Hells Angels, but cell phone records never admitted into evidence. Newspaper sought them by Calif Public Records Act. Granting the officer's writ petition, TC abused discretion in ordering records released.

5/16/17 (pub 6/7)

P. v. Woods (4/1)

<http://www.courts.ca.gov/opinions/documents/D070477.PDF>

Plea agreement enforced for P

In plea agreement re new charge with strike prior and felony probation violations, D agreed to 16 mos on new charge, concurrent with 7 years concurrent on probation violations. At sentencing, when parties disagreed whether PC 2933.1 limited credits, TC imposed 16 mos and terminated probation on the probation cases, stating the 7 years were "just eaten up by credits." Reversed on P appeal, rejecting claims of forfeiture, lack of prejudice, and mootness.

5/30/17

P. v. CHR Herbal (LA App Div)

<http://www.courts.ca.gov/opinions/documents/JAD17-05.PDF>

Municipal Code violation affirmed

Affirms conv for violating municipal code crime for marijuana sales <1,000' from school and <600' from day care.

6/1/17

P. v. Gonzalez (SC)

<http://www.courts.ca.gov/opinions/documents/S223763.PDF>

PC 422 flash gang signs

Reversing DCA, suff evid for PC 422 in flashing gang signs and simulating a gun and throat-slash.

Werdeger concurs that signaling the gang name was the crucial element b/c it symbolized something verbal. The gun simulation and throat-slash gesture, not of themselves sufficient, corroborated the threatening nature of flashing the gang name.

6/1/17

P. v. Gutierrez (SC)

<http://www.courts.ca.gov/opinions/documents/S224724A.PDF>

*Batson/Wheeler*

Attempted murder convictions with gang enhancements.

*Batson/Wheeler* MX made after P used 10 of 16 challenges on Hispanics. TC found prima facie case, then accepted P explanations as race-neutral. Held, error as to one peremptory challenge. TC did not evaluate each challenge individually but deemed blanket statements neutral and noprotextual. On scant record, “we are unable to conclude that the trial court made a sincere and reasoned attempt to evaluate the prosecutor’s explanation . . . .” Structural, so convictions of three Ds reversed. DCA erred in failing to use comparative analysis.

Appellate court may look only at reasons P offers for challenge and may not find the challenge justified by factors not offered by P.

Liu concurs, adding that the challenges as to two other jurors were also improper.

(Important guidance here on making record. Especially where the *Batson/Wheeler* MX refers to multiple challenges, P and TC must address each individually—blanket rulings will not be given deference.)

6/2/17

P. v. Calistro (5)

<http://www.courts.ca.gov/opinions/documents/F070176.PDF>

Car theft and single larceny doctrine CALCRIM 3516

D conv of VC 10851 and, per CALCRIM 3516, returned unsigned verdict form on PC 496d charge. B/c the VC 10851 may have been based on driving, rather than taking, no error in also convicting D for PC 496(a) for possessing stolen items within the car.

6/2/17

P. v. Overstock.com, Inc. (1/4)

<http://www.courts.ca.gov/opinions/documents/A141613.PDF>

BP 17200, 17500

In unfair business practices and false advertising judgment, no error in imposing injunctive relief and >\$6.8 million in penalties based on number of days company in violation.

6/5/17

P. v. Parker (SC)

<http://www.courts.ca.gov/opinions/documents/S076169.PDF>

DP auto appeal, affirmed

Orange County “Bedroom Basher” conv for ’78-79 rape/murders. DNA.

Pretrial *Batson/Wheeler*. *Miranda* and custodial interrogation while D in prison on other case.

Guilt Refusal of unconsciousness instruction. V impact evid.

Penalty Cal DP.

Cantil-Sakauye concurs, discussing ex post facto application of Truth-In-Evidence rule to crimes before 1982.

Liu concurs/dissents, arguing *Miranda* violation in interrogation, but error harmless (*Chapman* standard).

6/5/17 (pub 6/22)

LA Board of Supervisors v. LA Sup. Ct. (ACLU) (2/3)

<http://www.courts.ca.gov/opinions/documents/B257230A.PDF>

EC 952, GC 6254(k)

Re lawsuits against county for excessive force at jail, ACLU sought under Public Records Act amount the county spent on outside law firms. County agreed partially re closed cases, but refused re ongoing cases, citing atty-client priv. TC granted ACLU request, but DCA granted county writ opposing release. CSC granted review and held that some parts of invoices may be privileged and some not. Generally, everything concerning a pending matter is privileged. As to closed cases, only fee totals are subject to disclosure.

On remand, writ granted and TC ordered to hold hearings re which matters are protected by atty-client priv.

**A CORPORATE VICTIM'S LEGAL REPRESENTATIVE IS NOT PART OF THE PROSECUTION TEAM FOR PURPOSES OF *BRADY* DISCLOSURES**

**IAR Systems Software Inc. et al. v. Superior Court** - Filed June 5, 2017, in A149087 (1 DCA, Div. 3) [2017 WL 2417905; 2017 Cal.App.Lexis 512].

**Facts:** IAR Systems Software, Inc. discovered its CEO, def. Sheyahed, had embezzled money. IAR hired a law firm, Valla and Associates, and filed a civil suit against def. IAR also contacted the police, which eventually resulted in embezzlement charges. The prosecutor in the criminal case contacted the Valla firm regarding the witnesses, the investigation, and the legal issues in the civil suit. Def. filed a motion to subject IAR and Valla to *Brady* disclosure obligations in the criminal case. After an evidentiary hearing, the trial court granted the motion. Valla and IAR filed a petition for writ of mandate. The People, as a real party in interest, filed briefs supporting the granting of the writ.

**Held:** (1.) *Brady* disclosure obligations were erroneously imposed on Valla, as opposed to the prosecution. (2.) That Valla's tasks in representing IAR in the civil suit sometimes overlapped with the district attorney's prosecution of def., and that Valla cooperated on behalf of IAR with the district attorney to uncover the truth about def.'s wrongdoing, does not render the law firm a member of the prosecution's team.

6/6/17

P. v. Fortin (2/6)

<http://www.courts.ca.gov/opinions/documents/B271184.PDF>

Abel test

In PC 288 case, no error in excluding D's proffered evid re "Abel Assessment for Sexual Interest" to prove lack of sexual interest in prepubescent children. TC found the test (1) not adequately peer-reviewed (2) not accepted in scientific community (3) designed to monitor convicted sex offenders (4) not intended for determining guilt/innocence. D forfeited Constitutional (due proc, confrontation) issues by failing to assert those below.

6/6/17

P. v. Ruffin (2/4)

<http://www.courts.ca.gov/opinions/documents/B270940.PDF>

*Faretta* advisement invalid

D rep'd self at trial, conv of PC 273.5 w/ strikes, sentenced 27-life. Reversed. Even though D initialed and signed a *Faretta* advisement form (3 and a half pages—copy

at end of opinion), the waiver was invalid b/c TC did not ask D whether he read and understood the form and record does not show D understood the dangers and disadvantages of self-representation.

Epstein concurs, only b/c the record does not show D was advised of the maximum consequences.

6/6/17

P. v. Moore (3)

<http://www.courts.ca.gov/opinions/documents/C079171.PDF>

HS 11372.5, 11372.7, PC 1464, GC 76000

Reversing App Div published decision, lab fee and drug program fee are subject to penalty assessments.

6/7/17

P. v. Nguyen (6)

<http://www.courts.ca.gov/opinions/documents/H042795.PDF>

Search exceeded warrant

With IP address and child porn PC, police obtained SW for house (as “single story single family residence) and any garages, outbuildings, etc. Police knew D (Mountain View Police Officer) listed that address and had a car there, but were unaware of relationship to other people living there and unaware that D lived in the structure behind the house. Front house had a computer router, unknown whether D had password. Upon SW execution, woman who lived in front house said D, her landlord, lived in back. Searching back structure, found laptop with child porn. TC granted MX to quash SW as overbroad—that when police learned the rear structure was a separate residence, they should have stopped and gotten new SW. When P announced could not proceed, TC dismissed and P appealed. Affirmed. Once they knew rear structure was a residence, it no longer qualified as an “outbuilding” or “garage.”

6/8/17

P. v. Campbell (2/6)

<http://www.courts.ca.gov/opinions/documents/B267280.PDF>

*Doyle* error?

D plowed car into 10 separate groups of people, killing one, fleeing scenes. Arrested, D gave statements, the later invoked *Miranda*. At trial, testified, emphasizing his cooperativeness with police, stating he volunteered to give a blood sample. Admitted on X that police obtained warrant for blood. P asked on X, "And you refused to talk to those police officers anymore?" TC overruled objection. D stated he assumed they would talk to him again after he sobered up. P X'd him, "[H]ow are they going to ask you questions if you have told them I want an attorney?" Held, no error in overruling objections, MX for mistrial, since this inquiry was fair in response to his professed cooperation.

Suff evid for 10 counts of "failing to immediately stop" after accident where evid showed 10 separate incidents after which he could have, but did not, stop.

6/8/17

In re Bell (SC)

<http://www.courts.ca.gov/opinions/documents/S151362.PDF>

No juror misconduct

D on death row, filed HC claiming holdout penalty juror asked her husband advice on how to vote. After SC issued OSC, referee found no misconduct. Subst evid supports that finding, HC denied.

6/8/17

P. v. (Riverside) S.Ct. (Walker) (4/1)

<http://www.courts.ca.gov/opinions/documents/D071461.PDF>

Prop 57

TC erred in transferring case to J court where (2012 when D 17) direct-filed case (charging PC 664/187, 12022.53, 186.22) D already conv, sentenced to 80-life. Convictions reversed on appeal, remittitur issued in 2015. D awaiting retrial at time Prop 57 passed. Disagreeing with *Cervantes, Lara*, Prop 57 not retroactive, Estrada exception does not apply.

6/8/17

P. v. Sperling (2/6)

<http://www.courts.ca.gov/opinions/documents/B272275.PDF>

PC 288a(g), PC 286(g) sentence

Ruling appeal frivolous (no sanction, just warning), no abuse of discretion in sentence of 8 years upon plea admitting sex offenses against developmentally disabled Vs.

6/9/17

In re Snyder (3)

<http://www.courts.ca.gov/opinions/documents/C082275.PDF>

SVP, psychologist “undesigned”

Before SVP Doctor Asgarian’s report finding D not SVP became final, Dept of State Hospitals revoked the report for not meeting standards and appointed new doctor, who found D to be SVP. No error in not dismissing petition upon learning of Dr. A’s report.

**INSTRUCTIONS SUGGESTING THAT AN ACCOMPLICE’S EXCULPATING TESTIMONY NEEDS TO BE CORROBORATED ARE ERRONEOUS; A DECLARANT’S STATEMENTS QUALIFY AS DECLARATIONS AGAINST INTEREST IF THEIR OVERALL CONTEXT SHOW THEY ARE TRUSTWORTHY AND NOT SELF-SERVING EVEN IF THEY DO NOT EQUALLY INculpATE THE DECLARANT WITH THE CO-DEF.**

**People v. Smith, et al.** - Filed June 9, 2017, in D069445 (4 DCA, Div. 2) [2017 WL 2492758; 2017 Cal.App.Lexis 534].

**Facts:** Defs. Smith and Mitchell burglarized the home of a 90-year old woman. They killed the woman and made off with the loot. Later, Smith explained to friends and associates what happened; her role in helping Mitchell hold down, tie, and subdue the victim; and how Mitchell struck the victim in the head. At trial, Mitchell, but not Smith, testified. Mitchell denied having anything to do with the burglary or murder and testified that he got the stolen loot through a drug transaction which he asserted Smith had nothing to do with.

**Held: (1.)** The trial court erred by instructing the jury that *any* statement from an accomplice had to be corroborated; there is no corroboration requirement for an accomplice’s exculpatory testimony. Smith was prejudiced by the erroneous instruction. **(2.)** Although Smith may have cast more responsibility for the victim’s death upon Mitchell, the overall context of her statements to friends and acquaintances which placed her at the scene of the crime assisting Mitchell, made her statements admissible as declarations against interest.

6/12/17

P. v. Wilford (4/1)

<http://www.courts.ca.gov/opinions/documents/D069888.PDF>

PC 275.5(f)

TC erred, in viol of due proc, in convicting and sentencing D pursuant to PC 273.5(f), since that sentencing provision was not pleaded in the information.

6/16/17 (pub 6/29)

In re I.F. (1/3)

<http://www.courts.ca.gov/opinions/documents/A146979.PDF>

WI 781, 786

D, adult facing criminal trial, sought to seal J records to estop their use for impeachment. WI 786 became effective while petition pending. Held, remanded for TC to apply WI 786, which now effectively mandates sealing of non 707(b) offenses if the J has successfully completed probation.

6/19/17

P. v. Sivongxxay (SC)

<http://www.courts.ca.gov/opinions/documents/S078895.PDF>

DP auto appeal, affirmed

Guilt, Penalty Waiver of jury.

Penalty Use of force in priors as aggrav factor. Metal object in jail as aggrav factor. Statement (threat?) to correctional officer as aggrav factor. Escape as aggrav factor. Cal DP.

Liu concurs re guilt, but dissents re penalty, claiming lack of specific waiver as to special circumstances and as to penalty decision is structural error.

6/21/17

In re Jose S. (4/1)

<http://www.courts.ca.gov/opinions/documents/D070521.PDF>

WI 781

No error in denying MX to seal J record of PC 288(a) b/c later charge of PC 245 w/ personal use disqualified WI 781 sealing.

6/23/17

P. v. Spaccia (2/3)

<http://www.courts.ca.gov/opinions/documents/B256046.PDF>

PC 424 and City of Bell

In case arising from Bell corruption scandal, PC 424 reversed for prejudicial instructional error as to whether D was an officer subject to the statute.

6/26/17

P. v. (Riverside) Sup. Ct. (Sahlolbei) (4/2)

<http://www.courts.ca.gov/opinions/documents/S232639.PDF>

GC 1090

Even though D an independent contractor, GC 1090 can apply to make it a crime for him to make contracts in which he has a financial interest where his duties as an independent contractor include engaging in or advising on public contracting.

6/26/17

P. v. Castel (2/2)

<http://www.courts.ca.gov/opinions/documents/B271396.PDF>

Parole/PRCS

No equal protection violation in the fact that a parole or PRCS supervising agency must file a report when asking for a revocation/modification, but the DA need not file such a report.

6/29/17

K.R. v. (Sac) Sup. Ct. (People) (SC)

<http://www.courts.ca.gov/opinions/documents/S231709.PDF>

*Arbuckle*

After lengthy wardship, J admitted VOP before one judge. When second judge was assigned for deposition, J lodged *Arbuckle* objection. Denied. DCA denied petition for writ of mandate.

Reversed, disapproving of cases that eroded the *Arbuckle* rule.

Cantil-Sakauye (with Chin, Corrigan) dissents, arguing error to portray the *Arbuckle* rule so rigidly, and arguing disallowing exceptions “injects opportunities for gamesmanship” and adds unnecessary practical difficulties to plea bargaining.

6/30/17

P. v. Resendez (2/8)

<http://www.courts.ca.gov/opinions/documents/B269608.PDF>

*Prunty* and evid of subsets

Affirming gang enhancement, suff evid of connection between D's gang and crimes by subsets used to prove predicate offenses.

**CSC actions in criminal cases**

Conference of 5/24/17

IN RE J.L. S241326 A148098 Petition for Review GRANTED and Held  
PENN, PEOPLE v. S241265 D070506 Petition for Review GRANTED and Held  
RENTERIA, PEOPLE v. S241066 B275606 Petition for Review GRANTED and Held  
S.C. (BOBBY JOE B.), PEOPLE v. S241409 A150638 Petition for Review & Stay GRANTED and Held  
SMITH, PEOPLE v. S240712 C082426 Petition for Review GRANTED and Held  
JAIME, PEOPLE v. S240967 B267552 Petition for Review G&T 2/1  
ORTEGA, PEOPLE v. S240603 B271433 Petition for Review G&T 2/8  
SHRYOCK, PEOPLE v. S241363 F072337 Petition for Review G&T 5

Conference of 6/14/17

**#17-182 *People v. Abrams, S241237.*** (F072560

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

**#17-183 *In re J.R., S241246.*** (H043051

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

**#17-184 *People v. Pineda, S241394.*** (G052804

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

**#17-185 *People v. Rios, S241680.*** (H043450

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

**#17-186 *People v. Van Orden, S241574.*** (E066432; 9 Cal.App.5th 1277

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

**#17-187 *People v. Vaughn, S241069.*** (E065589

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

**#17-188 *In re C.W., S241826.*** (A146299

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

**#17-189 *In re J.H., S241835.*** (A145620

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

**#17-190 *In re T.H., S241546.*** (A145862

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

**#17-191 *People v. Condon, S241582.*** (E066077

GH for *People v. Valenzuela*, S232900 (#16-97) (Prop 47 and prison priors)  
**#17-192 *People v. Ibarra*, S241834.** (C080231  
GH for *People v. Valenzuela*, S232900 (#16-97) (Prop 47 and prison priors)  
**#17-193 *People v. Escobar*, S241137.** (B259309  
GH for *People v. Canizales*, S221958 (#14-134) (PC 664/187 and kill zone)  
**#17-194 *People v. Miranda*, S240998.** (B266817  
GH for *People v. Canizales*, S221958 (#14-134) (PC 664/187 and kill zone)  
**#17-195 *People v. Guillen*, S241058.** (G052022  
GH for *People v. DeHoyos*, S228230 (#15-171) (Prop 47 retroactivity) and *People v. Page*, S230793 (#16-28) (Prop 47 and car theft)  
**#17-196 *People v. Hwang*, S241778.** (G052412  
GH for *People v. Martinez*, S231826 (#16-88) (Prop 47 and HS 11359)  
**#17-197 *People v. Lopez*, S241207.** (B266011  
GH for *People v. Chaney*, S223676 (#15-13), and *People v. Valencia*, S223825 (#15-14) (Prop 36 v. 47 dangerousness)  
**#17-198 *People v. Mueck*, S241533.** (C078223  
GH for *People v. Chaney*, S223676 (#15-13), and *People v. Valencia*, S223825 (#15-14) (Prop 36 v. 47 dangerousness)

Conference of 6/21/17

AVITIA v. S.C. (PEOPLE) S242030 C082859 Petition for Review & Stay Granted  
Was dismissal of grand juror a “substantial right?”  
FLOWERS, PEOPLE v. S241974 B269656 Petition for Review GRANTED and Held  
GH for *People v. Chaney*, S223676 (#15-13), and *People v. Valencia*, S223825 (#15-14) (Prop 47 v. 36 dangerousness)  
RUIZ-MARTINEZ v. S.C. (PEOPLE) S241068 H044349 Petition for Review GRANTED and Held  
HARRIS (BERNARD) ON H.C. S235293 Habeas Corpus petition OSC - Superior Court  
ROLDAN (RICARDO) ON H.C. S185447 Habeas Corpus petition Reference Hearing Ordered

Conference of 6/28/17

BRYANT, PEOPLE v. S241937 B271300 Petition for Review GRANTED and Held  
GH for *In re Ricardo P.*, S230923 (#16-41) (electronic search condition)  
ESTRADA, PEOPLE v. S241700 B272129 Petition for Review GRANTED and Held  
GH for *People v. Chaney*, S223676 (#15-13), and *People v. Valencia*, S223825 (#15-14) (Prop 47 v. 36 dangerousness)  
IN RE S.B. S242177 A145488 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)  
NEWSOME, PEOPLE v. S242048 F072825 Petition for Review GRANTED and Held  
GH for *In re Ricardo P.*, S230923 (#16-41) (electronic search condition)  
RAMIREZ (ARTHUR ESPINDOLA) ON H.C. S237424 Habeas Corpus petition 5 Transferred - OSC  
TAYLOR (LEIF) ON H.C. S232037 Habeas Corpus petition OSC - Superior Court

HAMILTON, PEOPLE v. S236490 E064030 Grant - dismissal/lead case Lead case changed  
ABARCA, PEOPLE v. S237106 E063687 Grant - dismissal/lead case Dismissed - to CA 4/2  
BARBA, PEOPLE v. S232534 E062935 Grant - dismissal/lead case 4/2 Transferred after hold  
BIAS, PEOPLE v. S233634 E062949 Grant - dismissal/lead case 4/2 Transferred after hold  
CARRILLO, PEOPLE v. S233192 D067396 Grant - dismissal/lead case 4/1 Transferred after hold  
CASTILLO, PEOPLE v. S237104 E063407 Grant - dismissal/lead case Dismissed - to CA 4/2  
DOOL, PEOPLE v. S234972 E063843 Grant - dismissal/lead case 4/2 Transferred after hold  
GALLEGOS, PEOPLE v. S236127 E063786 Grant - dismissal/lead case 4/2 Transferred after hold  
GARNER, PEOPLE v. S237279 B266881 Grant - dismissal/lead case Dismissed - to CA 2/4  
GARRETT, PEOPLE v. S236012 H041927 Grant - dismissal/lead case Dismissed - to CA 6  
GITTESS, PEOPLE v. S239936 F072237 Grant - dismissal/lead case 5 Transferred after hold  
GOLDSMITH, PEOPLE v. S239978 F071723 Grant - dismissal/lead case 5 Transferred after hold  
GRANDADOS, PEOPLE v. S239715 F071321 Grant - dismissal/lead case 5 Transferred after hold  
GREENBLAT, PEOPLE v. S231976 E062874 Grant - dismissal/lead case 4/2 Transferred after hold  
HUBERTY, PEOPLE v. S237914 D069103 Grant - dismissal/lead case Dismissed - to CA 4/1  
JORDAN, PEOPLE v. S239405 E063761 Grant - dismissal/lead case Dismissed - to CA 4/2  
JORGENSEN, PEOPLE v. S239471 F071472 Grant - dismissal/lead case 5 Transferred after hold  
MARTIN, PEOPLE v. S239205 F071654 Grant - dismissal/lead case 5 Transferred after hold  
MCNULTY, PEOPLE v. S235695 D068554 Grant - dismissal/lead case Dismissed - to CA 4/1  
MOORE, PEOPLE v. S235391 B265499 Grant - dismissal/lead case Dismissed - to CA 2/2  
OREGON, PEOPLE v. S235026 B266631 Grant - dismissal/lead case Dismissed - to CA 2/2  
OVIEDO, PEOPLE v. S234967 E063216 Grant - dismissal/lead case 4/2 Transferred after hold  
RAMIREZ, PEOPLE v. S232201 B263169 Grant - dismissal/lead case 2/2 Transferred after hold  
RODDY, PEOPLE v. S238708 B264891 Grant - dismissal/lead case Dismissed - to CA 2/3  
ROOT, PEOPLE v. S233546 D068235 Grant - dismissal/lead case Dismissed - to CA 4/1  
SHEROW, PEOPLE v. S236251 D068668 Grant - dismissal/lead case Dismissed - to CA 4/1  
SIMON, PEOPLE v. S235879 E062900 Grant - dismissal/lead case 4/2 Transferred after hold  
SMITH, PEOPLE v. S236112 E062858 Grant - dismissal/lead case Dismissed - to CA 4/2  
STEWART, PEOPLE v. S233478 D067967 Grant - dismissal/lead case 4/1 Transferred after hold  
SWANN, PEOPLE v. S238651 D069217 Grant - dismissal/lead case Dismissed - to CA 4/1  
VALENCIA, PEOPLE v. S233402 C079394 Grant - dismissal/lead case Dismissed - to CA 3  
VARGAS, PEOPLE v. S232673 B262129 Grant - dismissal/lead case Dismissed - to CA 2/8