



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 for Week of February 9, 2015

[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.]

#15-09 *John v. Superior Court*, S222726. (B256604; 231 Cal.App.4th 347; Los Angeles County Superior Court; BV030258.) Petition for review after the Court of Appeal granted a petition for peremptory writ of mandate. This case presents the following issue: Must a defendant who has been declared a vexatious litigant and is subject to a prefiling order (Code Civ. Proc., § 391.7, subd. (a)) obtain leave of the presiding judge or justice before filing an appeal from an adverse judgment?

#15-10 *Beckerling v. Shell Oil*, S223526. (B256407; nonpublished opinion; Los Angeles County Superior Court; JCCP4674.) Petition for review after the Court of Appeal affirmed the summary judgment in a civil action. The court ordered briefing deferred pending decision in *Haver v. BNSF Railway Co.*, S219919 (#14-97), which presents the following issue: If an employer's business involves either the use or the manufacture of asbestos-containing products, does the employer owe a duty of care to members of an employee's household who could be affected by asbestos brought home on the employee's clothing?

#15-11 *People v. Tillis*, S223330. (C070693; nonpublished opinion; San Joaquin County Superior Court; SF116919A.) Petition for review after the Court of Appeal remanded for resentencing and otherwise affirmed judgments of conviction of criminal offenses. The court ordered briefing in *Canon* and *Harris* deferred pending decision in *In re Alatraste*, S214652 (#14-21), *In re Bonilla*, S214960 (#14-22), and *People v. Franklin*, S217699 (#14-56), which include the following issues: (1) Did Senate Bill 260 (Reg. Sess. 2013-2014), which includes provisions for a parole suitability hearing after a maximum of 25 years for most juvenile offenders serving life sentences, render moot any claim that such a sentence violates the Eighth Amendment to the federal Constitution and

that the petitioner is entitled to a new sentencing hearing applying the mitigating factors for such juvenile offenders set forth in *Miller v. Alabama* (2012) 567 U.S. ___ [132 S.Ct. 2455]? If not: (2) Does *Miller* apply retroactively on habeas corpus to a prisoner who was a juvenile at the time of the commitment offense and who is presently serving a sentence that is the functional equivalent of life without the possibility of parole? (3) Is a total term of imprisonment of 77 years to life (Alatrister) or 50 years to life (Bonilla and Franklin) for murder committed by a 16-year-old offender the functional equivalent of life without possibility of parole by denying the offender a meaningful opportunity for release on parole? (4) If so, does the sentence violate the Eighth Amendment absent consideration of the mitigating factors for juvenile offenders set forth in *Miller*?

STATUS

People v. Scott, S064858. The court directed the parties in this automatic appeal to submit simultaneous letter briefs discussing the following questions: When a trial court finds that the defendant failed to make the first-stage prima facie showing required under *Batson/Wheeler* but nonetheless allows or invites the prosecutor to state reasons on the record, the prosecutor states his or her reasons, and then the court agrees that the prosecutor's reasons are genuine, must an appellate court review the trial court's ruling only as if it were a third-stage ruling that no purposeful discrimination occurred? (Compare *People v. Banks* (2014) 59 Cal.4th 1113, 1146; *People v. Chism* (2014) 58 Cal.4th 1266, 1314; *People v. McKinzie* (2012) 54 Cal.4th 1302, 1320; *People v. Riccardi* (2012) 54 Cal.4th 758, 786, with *People v. Lopez* (2013) 56 Cal.4th 1028, 1047–1050; *People v. Clark* (2011) 52 Cal.4th 856, 904–908; *People v. Howard* (2008) 42 Cal.4th 1000, 1017–1019; *People v. Guerra* (2006) 37 Cal.4th 1067, 1101–1103; *People v. Farnam* (2002) 28 Cal.4th 107, 135–139; *People v. Mayfield* (1997) 14 Cal.4th 668, 723; *People v. Turner* (1994) 8 Cal.4th 137, 165–168.) If not, what role, if any, should an evaluation of the prosecutor's stated reasons play in the appellate court's review of the first-stage ruling?

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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.