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 March 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.]

#15-17 Ardon v. City of Los Angeles, S223876. (B252476; 232 Cal.App.4th 175; Los Angeles County Superior Court; BC363959.) Petition for review after the Court of Appeal affirmed an order in a civil action. This case presents the following issues: (1) Does inadvertent disclosure of attorney work product and privileged documents in response to a Public Records Act request waive those privileges and protections? (2) Should the attorney who received the documents be disqualified because she examined them and refused to return them?

#15-18 Cleveland National Forest Foundation v. San Diego Assn. of Governments, S223603. (D063288; 231 Cal.App.4th 1056, mod. 231 Cal.App.4th 1437a; San Diego County Superior Court; 37-2011-00101593-CU-TT-CTL, 37-2011-00101660-CU-TT-CTL.) Petition for review after the Court of Appeal affirmed the judgment in a civil action. The court limited review to the following issue: Must the environmental impact report for a regional transportation plan include an analysis of the plan's consistency with the greenhouse gas emission reduction goals reflected in Executive Order No. S-3-05, so as to comply with the California Environmental Quality Act (Pub. Resources Code, § 21000 et seq.)?

#15-19 Gomez v. Superior Court, S223799. (H039679; nonpublished opinion; Monterey County Superior Court; HC4944.) Petition for review after the Court of Appeal denied a petition for writ of mandate. This case presents the following issue: Was defendant entitled to file a single motion to disqualify (Code Civ. Proc., § 170.1, subd. (a)(6)(A)) all judges in the Monterey County Superior Court from presiding at an evidentiary hearing to determine whether a sitting judge (a former prosecutor) failed to disclose material evidence under *Brady v. Maryland* (1963) 373 U.S. 83?

#15-20 People v. Rodriguez, S223129. (H038588; 231 Cal.App.4th 288; Santa Clara County Superior Court; C1110340.) Petition for review after the Court of Appeal modified and affirmed a judgment of conviction of a criminal offense. This case presents the following issue: When the prosecution refiled charges after defendant's motion to suppress evidence was granted and the case was dismissed, did the trial court err in refusing to assign a subsequent suppression motion to "the same judge who granted the [prior] motion" in accordance with Penal Code section 1538.5, subdivision (p), on the ground the prior judge was not "available" to hear the motion when he was then sitting in a different courthouse?

#15-21 People v. Ruiz, S223831. (B253801; nonpublished opinion; Los Angeles County Superior Court; MA057227.) Petition for review after the Court of Appeal affirmed in part and reversed in part a judgment of conviction of criminal offenses. The court ordered briefing deferred pending decision in *People v. Sasser*, S217128 (#14-48), which presents the following issue: Can a five-year enhancement for a prior serious felony conviction (Pen. Code, § 667, subd. (a)) be added to multiple determinate terms imposed as part of a second-strike sentence (Pen. Code, § 667, subd. (e)(1))?

#15-22 People v. Sanchez, S223722. (H037353; 232 Cal.App.4th 197; Santa Clara County Superior Court; 211268.) Petition for review after the Court of Appeal affirmed in part and reversed in part judgments of conviction of criminal offenses. The court ordered briefing deferred pending decision in *People v. Sanchez*, S216681 (#14-47), which presents the following issue: Was defendant's Sixth Amendment right to confrontation violated by the gang expert's reliance on testimonial hearsay (*Crawford v. Washington* (2004) 541 U.S. 36)?

#15-23 People v. Spivey, S223755. (B252500; nonpublished opinion; Los Angeles County Superior Court; YA064306.) Petition for review after the Court of Appeal remanded for resentencing and otherwise affirmed a judgment of conviction of criminal offenses. The court ordered briefing deferred pending decision in *In re Alatriste*, S214652 (#14-21), *In re Bonilla*, S214960 (#14-22), and *People v. Franklin*, S217669 (#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 (Alatriste) 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. Grimes, S076339. The court granted the petition for rehearing in this automatic appeal.

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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.