**Supreme Court of California**
350 McAllister Street, San Francisco, CA 94102-4797
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**NEWS RELEASE**
Contact: Cathal Conneely, 415-865-7740

**FOR IMMEDIATE RELEASE**
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# Summary of Cases Accepted and Related Actions for Week of April 13, 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.]*

***#15-42 Dhillon v. John Muir Health, S224472***. (A143195; nonpublished opinion; Contra Costa County Superior Court; MSN131353.) Petition for review after the Court of Appeal dismissed an appeal from an order on a petition for writ of administrative mandate. This case presents the following issue: Is a trial court order granting in part and denying in part a physician's petition for writ of administrative mandate regarding a hospital's disciplinary action and remanding the matter to the hospital for further administrative proceedings an appealable order?

***#15-43 People v. Allen, S224781***. (F067704; nonpublished opinion; Fresno County Superior Court; CF97598580.) Petition for review after the Court of Appeal affirmed an order denying a petition to recall sentence.

***#15-44 People v. Andrade, S224790***. (B252846; nonpublished opinion; Ventura County Superior Court; CR37160.) Petition for review after the Court of Appeal affirmed an order denying a petition to recall sentence.

***#15-45 People v. Ivory, S224957***. (F068002; nonpublished opinion; Madera County Superior Court; MCR08917.) Petition for review after the Court of Appeal affirmed an order denying a petition to recall sentence.

The court ordered briefing in *Allen*, *Andrade*, and *Ivory* deferred pending decision in *People v. Chaney*, S223676 (#15-13), and *People v. Valencia*, S223825 (#15-14), which present the following issue: Does the definition of "unreasonable risk of danger to public safety" (Pen. Code, § 1170.18, subd. (c)) under Proposition 47 ("the Safe Neighborhoods

and Schools Act") apply on retroactivity or other grounds to resentencing under the Three Strikes Reform Act of 2012 (Pen. Code, § 1170.126)?

***#15-46 People v. Conteras, S224564***. (D063428; nonpublished opinion; San Diego County Superior Court; SCD236438.) Petition for review after the Court of Appeal remanded for resentencing and otherwise affirmed a judgment of conviction of criminal offenses.

***#15-47 In re Wilson, S224745***. (B254093; 233 Cal.App.4th 544; Los Angeles County Superior Court; KA028967.) Petition for review after the Court of Appeal granted relief on a petition for writ of habeas corpus.

The court ordered briefing in *Contreras* and *Wilson* 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***. Following the grant of rehearing in this automatic appeal, the court invited supplemental briefing to address any new authorities or issues which arose subsequent to the completed briefing in this case.

*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.*

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