



Supreme Court of California
350 McAllister Street, San Francisco, CA 94102-4797
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NEWS RELEASE

Contact: [Cathal Conneely](mailto:Cathal.Conneely@courts.ca.gov), 415-865-7740

FOR IMMEDIATE RELEASE

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Summary of Cases Accepted and Related Actions for Week of May 12, 2014

[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.]

#14-47 *People v. Sanchez, S216681.* (G047666; 223 Cal.App.4th 1; Orange County Superior Court; 11CF2839.) Petition for review after the Court of Appeal affirmed in part and reversed in part a judgment of conviction of criminal offenses. This case 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)?

#14-48 *People v. Sasser, S217128.* (A136655; 223 Cal.App.4th 1148; Alameda County Superior Court; C156534A.) Petition for review after the Court of Appeal affirmed a judgment of conviction of criminal offenses. The court limited review to 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))?

#14-49 *People v. Espinoza, S216994.* (H038508; nonpublished opinion; Monterey County Superior Court; SS091887.) 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 Alatraste*, S214652 (#14-21), and *In re Bonilla*, S214960 (#14-22), 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 (Alatraste) or 50 years to life (Bonilla) 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*?

#14-50 *In re Martinez, S216922.* (D063719; 223 Cal.App.4th 610; San Bernardino County Superior Court; FSB801884.) Petition for review after the Court of Appeal denied a petition for writ of habeas corpus. The court ordered briefing deferred pending decision in *Teal v. Superior Court*, S211708 (#13-63), which presents the following issue: Did defendant have the right to appeal the trial court's denial of his petition to recall his sentence under Penal Code section 1170.126, part of the Three Strikes Reform Act of 2012, when the trial court held he did not meet the threshold eligibility requirements for resentencing?

DISPOSITION

The following case was transferred for reconsideration in light of *United States v. Castleman* (2014) 572 U.S. __ [134 S.Ct. 1405]:

#14-03 *James v. State of California, S214385.*

STATUS

#13-60 *People v. Smith, S210898.* The court directed the parties to file supplemental letter briefs addressing the following questions: (1) Does the following sentence correctly state the law: "If the murder or voluntary manslaughter was committed for a reason independent of the common plan to commit the disturbing the peace or assault or battery, then the commission of murder or voluntary manslaughter was not a natural and probable consequence of disturbing the peace or assault or battery" (see CALCRIM No. 402)? (2) If so, is there evidence in the record to support a jury finding that the murders in this case were *not* committed for a reason independent of the common plan to commit the disturbing the peace or assault or battery?

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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.