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

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# Summary of Cases Accepted and Related Actions During Week of July 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.]*

***#15-119 Association of California Ins. Companies v. Jones, S226529***. (B248622; 235 Cal.App.4th 1009; Los Angeles County Superior Court; BC463124.) Petition for review after the Court of Appeal affirmed the judgment in a civil action. This case presents the following issues: (1) Does the Unfair Insurance Practices Act (Ins. Code, § 790, et seq.) give the Insurance Commissioner authority to promulgate a regulation that sets forth requirements for communicating replacement value and states that noncompliance with the regulation constitutes a misleading statement, and therefore an unfair trade practice, for purposes of the act? (2) Does the Insurance Commissioner have the statutory authority to promulgate a regulation specifying that the communication of a replacement cost estimate that omits one or more of the components in subdivisions (a)-(e) of section 2695.183 of title 10 of the California Code of Regulations is a "misleading" statement with respect to the business of insurance? (Cal. Code of Regs., tit. 10, § 2695.183, subd. (j).)

***#15-120 Flethez v. San Bernardino County Employees Retirement Assn., S226779***. (D066959; 236 Cal.App.4th 65; San Bernardino County Superior Court; CIVDS1212542.) Petition for review after the Court of Appeal reversed the judgment in an action for writ of administrative mandate. This case includes the following issue: If a retroactive award of service-connected disability retirement benefits is made in an administrative mandate proceeding, is prejudgment interest under Code of Civil Procedure section 3287 calculated from the day after the employee's last day of regular compensation or the day on which the employee submitted the claim for the benefits?

***#15-121 In re Aguilar, S226995***. (H040784; nonpublished opinion; Monterey County Superior Court; HC7945.) Petition for review after the Court of Appeal granted relief on a petition for writ of habeas corpus.

***#15-122 People v. Prescott, S226553***. (A135991; nonpublished opinion; Alameda County Superior Court; C165685A.) Petition for review after the Court of Appeal remanded for resentencing and otherwise affirmed a judgment of conviction of a criminal offense.

The court ordered briefing in *Aguilar* and *Prescott* 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*?

***#15-123 Boyce v. T.D. Service Co., S226267***. (B255958; 235 Cal.App.4th 429; Santa Barbara County Superior Court; 1438504.) Petition for review after the Court of Appeal affirmed the judgment in a civil action. The court ordered briefing deferred pending decision in *Yvanova v. New Century Mortgage Corp.*, S218973 (#14-100), which presents the following issue: In an action for wrongful foreclosure on a deed of trust securing a home loan, does the borrower have standing to challenge an assignment of the note and deed of trust on the basis of defects allegedly rendering the assignment void?

***#15-124 People v. Gattis, S226917***. (H040330; nonpublished opinion; Santa Clara County Superior Court; C1359476.) Petition for review after the Court of Appeal affirmed a judgment of conviction of a criminal offense. The court ordered briefing deferred pending decision in *People v. Friday*, S218288 (#14-77), *People v. Garcia*, S218197 (#14-78), and *People v. Klatt*, 218755 (#14-79), which present the following issue: Are the conditions of probation mandated by Penal Code section 1203.067, subdivision (b), for persons convicted of specified felony sex offenses — including waiver of the privilege against self-incrimination, required participation in polygraph examinations, and waiver of the psychotherapist–patient privilege — constitutional?

***#15-125 People v. Lopez, S227028***. (H039896; 236 Cal.App.4th 518; Santa Clara County Superior Court; 202265.) Petition for review after the Court of Appeal affirmed

the denial of a petition to recall sentence. The court ordered briefing 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)?

***#15-126 People v. Young, S226972***. (E061236; nonpublished opinion; Riverside County Superior Court; RIF74426.) Petition for review after the Court of Appeal affirmed the denial of a petition to recall sentence. The court ordered briefing deferred pending finality of decision in *People v. Johnson*, S219454 (#14-87), and *People v. Machado*, S219819 (#14-88), which present the following issues: (1) For the purpose of determining eligibility for resentencing under the Three Strikes Reform Act of 2012 (Prop. 36, Gen. Elec. (Nov. 6, 2012) [Pen. Code, § 1170.126]), is an offense considered a serious or violent felony if it was *not* defined as a serious or violent felony on the date the offense was committed but *was* defined as a serious or violent felony on the effective date of the Act? (2) Is an inmate serving an indeterminate term of life imprisonment under the Three Strikes Law (Pen. Code, §§ 667, subds. (b)-(j), 1170.12), which was imposed for a conviction of an offense that is *not* a serious or violent felony, eligible for resentencing on that conviction under the Three Strikes Reform Act if the inmate is also serving an indeterminate term of life imprisonment under the Three Strikes Law for a conviction of an offense that *is* a serious or violent felony?

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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.*