



NEWS RELEASE

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FOR IMMEDIATE RELEASE

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## Summary of Cases Accepted and Related Actions for Week of August 12, 2013

*[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.]*

**#13-66 *People v. Blackburn, S211078.*** (H037207; 215 Cal.App.4th 809; Santa Clara County Superior Court; BB304666.) Petition for review after the Court of Appeal affirmed an order extending a commitment as a mentally disordered offender.

**#13-67 *People v. Fuquay, S211076.*** (H037195; 215 Cal.App.4th 883; Santa Clara County Superior Court; C9945301.) Petition for review after the Court of Appeal affirmed an order extending a commitment after a judgment of not guilty by reason of insanity.

**#13-68 *People v. Mortimer, S211072.*** (H037530; 215 Cal.App.4th 860; Santa Clara County Superior Court; 190802.) Petition for review after the Court of Appeal affirmed an order extending a commitment after a judgment of not guilty by reason of insanity.

**#13-69 *People v. Tran, S211329.*** (H036977; 216 Cal.App.4th 102; Santa Clara County Superior Court; 205026.) Petition for review after the Court of Appeal affirmed an order extending a commitment after a judgment of not guilty by reason of insanity.

In *Blackburn*, *Fuquay*, and *Mortimer*, the court limited review to the following issue: Did the trial court prejudicially err by failing to advise defendant of his right to jury trial and obtain a personal waiver of that right? In *Tran*, the court limited review to the following issues: Did the trial court prejudicially err by failing to advise defendant of his right to jury trial and obtain a personal waiver of that right, and does the Court of Appeal have authority to declare a rule of procedure for the trial courts?

**#13-70 *People v. Conley, S211275.*** (C070272; 215 Cal.App.4th 1482; Yolo County Superior Court; CRF113234.) Petition for review after the Court of Appeal affirmed a judgment of conviction of criminal offenses.

**#13-71 *People v. Lewis, S211494.*** (E055569; 216 Cal.App.4th 468, mod. 216 Cal.App.4th 1124d; San Bernardino County Superior Court; FVI900076.) Petition for review after the Court of Appeal remanded for resentencing and otherwise affirmed a judgment of conviction of criminal offenses.

*Conley* and *Lewis* present the following issue: Does the Three Strikes Reform Act of 2012 (Pen. Code, §§ 667, subd. (e)(2)(C), 1170.12, subd. (c)(2)(C)), which reduces punishment for certain non-violent third-strike offenders, apply retroactively to a defendant who was sentenced before the Act's effective date but whose judgment was not final until after that date?

**#13-72 *Winn v. Pioneer Medical Group, Inc., S211793.*** (B237712; 216 Cal.App.4th 875; Los Angeles County Superior Court; BC455808.) Petition for review after the Court of Appeal reversed the judgment in a civil action. This case presents the following issue: Does "neglect" within the meaning of the Elder Abuse and Dependent Adult Civil Protection Act (Welf. & Inst. Code, § 15657) include a health care provider's failure to refer an elder patient to a specialist if the care took place on an outpatient basis, or must an action for neglect under the Act allege that the defendant health care provider had a custodial relationship with the elder patient?

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