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NEWS RELEASE

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FOR IMMEDIATE RELEASE

September 20, 2013

Summary of Cases Accepted and Related Actions During Week of September 16, 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.]

#13-81 *People v. Cortez, S211915.* (B233833; nonpublished opinion; Los Angeles County Superior Court; BA345971.) Petition for review after the Court of Appeal affirmed and reversed judgments of conviction of criminal offenses. This case presents the following issue: Did the Court of Appeal err by reversing the conviction of defendant Cortez due to error in admitting a statement made by defendant Bernal to his nephew, error in instructing the jury with CALCRIM No. 361, and prosecutorial misconduct?

#13-82 *People v. Eid, S211702.* (G046129; 216 Cal.App.4th 740; Orange County Superior Court; 05HF2101.) 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: Can a defendant be convicted of two separate, uncharged, lesser included offenses of a single charged offense if the lesser offenses are not included in each other?

#13-83 *Hartford Casualty Ins. Co. v. J.R. Marketing, L.L.C., S211645.* (A133750; 216 Cal.App.4th 1444; San Francisco County Superior Court; CGC-06-449220.) Petition for review after the Court of Appeal affirmed the judgment in a civil action. This case presents the following issue: After an insured has secured a judgment requiring an insurer to provide independent counsel to the insured (see *San Diego Fed. Credit Union v. Cumis Ins. Society Inc.* (1984) 162 Cal.App.3d 358), can the insurer seek reimbursement of defense fees and costs it considers unreasonable and unnecessary by pursuing a reimbursement action against independent counsel or can the insurer seek reimbursement only from its insured?

STATUS

People v. Townsel, S022998. The court directed the parties to submit supplemental briefs in this automatic appeal addressing the impact of the fact that the record on appeal does not contain the files that the trial court reviewed in camera in ruling on appellant's motion for discovery under *Pitchess v. Superior Court* (1974) 11 Cal.3d 531 and that a diligent search of the trial court's records has failed to locate the files.

#12-105 In re Batie, S205057. In this case in which review was previously granted, the court ordered further proceedings deferred pending decision in *In re Lira, S204582* (#12-106), which presents the following issue: Is a life prisoner who is granted parole on a pre-1983 offense entitled to credit against the applicable five-year parole period for the time he or she was incarcerated following the Governor's improper reversal of a prior grant of parole?

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