



Supreme Court of California
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NEWS RELEASE

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FOR IMMEDIATE RELEASE

July 10, 2015

Summary of Cases Accepted and Related Actions During Week of July 6, 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.]

#15-107 *Los Angeles County Bd. of Supervisors v. Superior Court*, S226645.

(B257230; 235 Cal.App.4th 1154; Los Angeles County Superior Court; BS145753.)

Petition for review after the Court of Appeal granted a petition for peremptory writ of mandate. This case presents the following issue: Are invoices for legal services sent to the County of Los Angeles by outside counsel within the scope of the attorney-client privilege and exempt from disclosure under the California Public Records Act, even with all references to attorney opinions, advice and similar information redacted?

#15-108 *People v. Aguirre*, S226119. (C077310; nonpublished opinion; Butte County Superior Court; CM009631.) Petition for review after the Court of Appeal affirmed the denial of a petition to recall sentence.

#15-109 *People v. Sledge*, S226449. (G048814; 235 Cal.App.4th 1191; Orange County Superior Court; 98NF2403.) Petition for review after the Court of Appeal affirmed the denial of a petition to recall sentence.

The court ordered briefing in *Aguirre* and *Sledge* 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)?

#15-110 *People v. Delgado*, S226778. (H040648; nonpublished opinion; Santa Clara County Superior Court; CC109377.) 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. 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?

#15-111 *People v. Fernandez*, S225570. (B254191; nonpublished opinion; Los Angeles County Superior Court; TA123646.) Petition for review after the Court of Appeal remanded for resentencing and otherwise a judgment of conviction of a criminal offense.

#15-112 *People v. Guzman*, S226494. (H039286; nonpublished opinion; Santa Clara County Superior Court; C1198262.) Petition for review after the Court of Appeal affirmed a judgment of conviction of a criminal offense.

#15-113 *People v. Jordan*, S225848. (D064010; 235 Cal.App.4th 198; San Diego County Superior Court; SCD234048.) Petition for review after the Court of Appeal affirmed judgments of conviction of criminal offenses.

#15-114 *People v. Scott*, S226155. (E060028; 235 Cal.App.4th 397; Riverside County Superior Court; RIF148527.) Petition for review after the Court of Appeal affirmed a judgment of conviction of criminal offenses.

The court ordered briefing in *Fernandez*, *Guzman*, *Jordan*, and *Scott* deferred pending decision in *In re Alatraste*, S214652 (#14-21), *In re Bonilla*, S214960 (#14-22), and *People v. Franklin*, S217699 (#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 (*Alatraste*) 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*?

#15-115 *People v. Huntsberry, S225982.* (D066332; nonpublished opinion; San Diego County Superior Court; SCE332867.) Petition for review after the Court of Appeal affirmed a judgment of conviction of criminal offenses. The court ordered briefing deferred pending decision in *People v. Macabeo, S221852* (#14-135), which presents the following issues: (1) May law enforcement officers conduct a search incident to the authority to arrest for a minor traffic offense, so long as a custodial arrest (even for an unrelated crime) follows? (2) Did *Riley v. California* (2014) __ U.S. __ [134 S.Ct. 2473, 189 L.Ed.2d 430] require the exclusion of evidence obtained during the warrantless search of the suspect's cell phone incident to arrest, or did the search fall within the good faith exception to the exclusionary rule (see *Davis v. United States* (2011) 564 U.S. __ [131 S.Ct. 2419, 180 L.Ed.2d 285]) in light of *People v. Diaz* (2011) 51 Cal.4th 84?

#15-116 *People v. Ochoa, S226265.* (A137763; nonpublished opinion; Contra Costa County Superior Court; 51210673.) Petition for review after the Court of Appeal affirmed a judgment of conviction of criminal offenses. The court ordered briefing deferred pending decision in *People v. Sanchez, S216681* (#14-47), which 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)?

#15-117 *Pouzbaris v. Prime Healthcare Services-Anaheim, LLP, S226846.* (G048891; 236 Cal.App.4th 116; Orange County Superior Court; 30-2012-00575537.) Petition for review after the Court of Appeal reversed the judgment in a civil action. The court ordered briefing deferred pending decision in *Flores v. Presbyterian Intercommunity Hospital, S209836* (#13-45), which presents the following issues: (1) Does the one-year statute of limitations for claims under the Medical Injury Compensation Act (Code Civil Proc., § 340.5) or the two-year statute of limitations for ordinary negligence (Code Civil Proc., § 335.1) govern an action for premises liability against a hospital based on negligent maintenance of hospital equipment? (2) Did the injury in this case arise out of "professional negligence," as that term is used in section 340.5, or ordinary negligence?

#15-118 *Szanto v. Szanto, S226726.* (A144586; nonpublished opinion; San Mateo County Superior Court; PRO115212.) Petition for review after the Court of Appeal denied permission to appeal in a civil action. The court ordered briefing deferred pending decision in *John v. Superior Court, S222726* (#15-09), which presents the following issue: Must a defendant who has been declared a vexatious litigant and is

subject to a prefiling order (Code Civ. Proc., § 391.7, subd. (a)) obtain leave of the presiding judge or justice before filing an appeal from an adverse judgment?

DISPOSITIONS

Review in the following cases, which were granted and held for *People v. Ford* (2015) 61 Cal.4th 282, was dismissed:

#14-07 *People v. Watson*, S214682.

#14-59 *Hilton v. Superior Court*, S217616.

STATUS

***People v. Lightsey*, S226760.** The court ordered the issues in this automatic appeal limited to issues related to the proceedings on remand from appellant's prior automatic appeal, *People v. Lightsey* (2012) 54 Cal.4th 668, 732-733.

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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.