



Supreme Court of California  
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**NEWS RELEASE**

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**FOR IMMEDIATE RELEASE**

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## Summary of Cases Accepted and Related Actions During Week of August 10, 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.]*

**#15-141 *Gradillas v. Lincoln General Ins. Co.*, S227632.** (9th Cir. No. 13-15638; \_\_\_ F.3d \_\_\_ [2015 WL 4068840]; Northern District of California; 3:12-cv-03697-CRB.) Request under California Rules of Court, rule 8.548, that this court decide questions of California law presented in a matter pending in the United States Court of Appeals for the Ninth Circuit. As restated by the court, the question presented is: “For purposes of coverage under an automobile insurance policy, what is the proper test for determining whether an injury arises out of the ‘use’ of a vehicle?”

**#15-142 *Hamilton v. Yates*, S226450.** (F069608; nonpublished opinion; Fresno County Superior Court; 10CECG03520.) Petition for review after the Court of Appeal affirmed an order dismissing a civil action. This case presents the following issues: (1) Did the trial court err in concluding that there was no means of affording the indigent prisoner plaintiff in this case access to the courts to pursue his civil action? (2) Did the trial court err by dismissing the action for the plaintiff’s failure to appear in such circumstances?

**#15-143 *People v. Lavelle*, S227074.** (A139018; nonpublished opinion; Mendocino County Superior Court; SCUKCR1221822.) Petition for review after the Court of Appeal affirmed a judgment of conviction of a criminal offense.

**#15-144 *People v. Spencer*, S227523.** (B255745; nonpublished opinion; Los Angeles County Superior Court; BA404363.) Petition for review after the Court of Appeal affirmed a judgment of conviction of criminal offenses.

The court ordered briefing in *Lavelle* and *Spencer* 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?

**#15-145 *People v. Roy*, S227527.** (H039757; nonpublished opinion; Santa Clara County Superior Court; 208171.) 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. 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)?

**#15-146 *People v. Turnage*, S226625.** (C075153; nonpublished opinion; Yolo County Superior Court; CRF041665, CRF065019.) 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 *People v. Conley*, S211275 (#13-70), which presents 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?

## DISPOSITION

The following case was transferred for reconsideration in light of *Berkeley Hillside Preservation v. City of Berkeley* (2015) 60 Cal.4th 1086:

**#14-72 *Citizens for Environmental Responsibility v. State ex rel. 14th Dist. Ag. Assn.*, S218240.**

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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.*