



NEWS RELEASE

Release Number: S.C. 23/11

Release Date: June 10, 2011

JUDICIAL COUNCIL OF
CALIFORNIA
ADMINISTRATIVE OFFICE
OF THE COURTS
Public Information Office
455 Golden Gate Avenue
San Francisco, CA 94102-3688
www.courts.ca.gov

415-865-7740

Lynn Holton
Public Information Officer

Summary of Cases Accepted During the Week of June 6, 2011

[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.]

#11-59 *In re Greg F., S191868.* (A127161; 192 Cal.App.4th 1252; Sonoma County Superior Court; 35283J.) Petition for review after the Court of Appeal affirmed and reversed orders in a juvenile wardship proceeding. This case presents the following issue: Can a juvenile court dismiss a juvenile wardship petition in the interests of justice and commit a juvenile ward to the Department of Juvenile Justice on the basis of a prior sustained petition, even though Welfare and Institutions Code section 733 prohibits such a commitment of a juvenile ward unless “the most recent offense alleged in any petition and admitted or found to be true by the court” is a offense specified in subdivision (c) of that section and the offense alleged in the dismissed petition was not one of those specified offenses?

#11-60 *Leung v. Verdugo Hills Hospital, S192768.* (B204908; 193 Cal.App.4th 971; Los Angeles County Superior Court; BC343985.) Petition for review after the Court of Appeal affirmed in part and reversed in part the judgment in a civil action. This case presents the following issue: Should the common law rule that a release for consideration of one joint tortfeasor operates as a release of the joint and several liability of all joint tortfeasors be abandoned in light of statutory and case law modifications of the joint and several liability rule?

#11-61 *People v. Mills, S191934.* (A125969; nonpublished opinion; Alameda County Superior Court; C154217.) Petition for review after the Court of Appeal affirmed a judgment of conviction of a criminal offense. The court limited review to the following issue: Did the trial court err by

instructing the jury to accept a conclusive presumption that defendant was legally sane for purposes of the guilt phase of the trial?

#11-62 *People v. Saucedo-Contreras, S191747.* (G041831; nonpublished opinion; Orange County Superior Court; 07NF0170.) Petition for review after the Court of Appeal reversed a judgment of conviction of a criminal offense. This case presents the following issues: (1) After defendant had been given his *Miranda* rights, did his statement — “If you can bring me a lawyer . . . that way I can tell you everything that I know and everything that I need to tell you and someone to represent me” — constitute a clear invocation of his right to counsel that required questioning to cease and did not permit the interrogating officers to attempt to clarify what defendant meant? (2) Was any error in the admission of defendant’s subsequent statements harmless beyond a reasonable doubt?

#11-63 *Cabrera v. E. Rojas Properties, Inc., S191826.* (B216445; 192 Cal.App.4th 1319; Los Angeles County Superior Court; PC041071.) Petition for review after the Court of Appeal affirmed the judgment in a civil action. The court ordered briefing deferred pending decision in *Howell v. Hamilton Meats & Provisions, Inc., S179115 (#10-25)*, which includes the following issue: Is the “negotiated rate differential” — the difference between the full billed rate for medical care and the actual amount paid as negotiated between a medical provider and an insurer — a collateral source benefit under the collateral source rule, which allows plaintiff to collect that amount as economic damages, or is the plaintiff limited in economic damages to the amount the medical provider accepts as payment?

#11-64 *Doe v. The Roman Catholic Bishop of Stockton, S192658.* (C064094; nonpublished opinion; San Joaquin County Superior Court; 39-2009-00205174-CU-PO-STK.) Petition for review after the Court of Appeal affirmed the judgment in a civil action. The court ordered briefing deferred pending decision in *Quarry v. Doe I, S171382 (#09-30)*, which presents the following issue: Did the Court of Appeal err in concluding that plaintiffs were entitled to rely on the delayed discovery provisions of the statute of limitations (Code Civ. Proc., § 340.1) for claims of childhood sexual abuse against specified non-perpetrators who knew of the abuse and had the ability to prevent it but failed to do so?

#11-65 *People v. Mayhan, S192245.* (F057373; nonpublished opinion; Kings County Superior Court; 07CM7436.) Petition for review after the Court of Appeal conditionally reversed a judgment of conviction of criminal offenses and remanded with directions. The court ordered briefing deferred pending decision in *People v. Sanchez, S188453 (#11-12)*, which includes the following issue: When a defendant indicates the intention to move to withdraw a plea of guilty or no contest on the ground of ineffective assistance of appointed counsel, is the trial court obligated to conduct a *Marsden* hearing (*People v. Marsden* (1970) 2 Cal.3d 118) and determine whether counsel should be removed and replaced by new appointed counsel?