



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 for Week of June 9, 2014

[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.]

#14-54 *People v. Hood*, S217462. (D063560; 223 Cal.App.4th 1356; San Diego County Superior Court; BC488397.) Petition for review after the Court of Appeal affirmed a judgment of conviction of criminal offenses. This case presents the following issues: (1) Did the People's failure to plead and prove that defendant was on probation when he committed his current offenses preclude application of the absolute bar to probation set forth in Penal Code section 1203, subdivision (k)? (2) Should *People v. Lo Cicero* (1969) 71 Cal.2d 1186 be overruled?

#14-55 *People v. Archuleta*, S218640. (E049095; 225 Cal.App.4th 527; San Bernardino County Superior Court; FVI802610.) 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)?

#14-56 *People v. Franklin*, S217699. (A135607; 224 Cal.App.4th 296; Contra Costa County Superior Court; 51103019.) Petition for review after the Court of Appeal modified and affirmed a judgment of conviction of a criminal offense.

#14-57 *In re Rainey*, S217567. (A128921; 224 Cal.App.4th 280; Contra Costa County Superior Court; 9807082.) Petition for review after the Court of Appeal granted relief on a petition for writ of habeas corpus.

#14-58 *People v. Solis*, S218757. (G048019; 224 Cal.App.4th 727; Orange County Superior Court; 10ZF0091.) Review on the court's own motion after the Court of Appeal modified and affirmed a judgment of conviction of criminal offenses.

The court ordered briefing in *Franklin*, *Rainey*, and *Solis* deferred pending decision in *In re Alatraste*, S214652 (#14-21), and *In re Bonilla*, S214960 (#14-22), 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*) 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*?

#14-59 *Hilton v. Superior Court*, S217616. (B248654; 224 Cal.App.4th 47; Los Angeles County Superior Court; 8MB00474.) Petition for review after the Court of Appeal granted a petition for peremptory writ of mandate. The court ordered briefing deferred pending decision in *People v. Ford*, S212940 (#13-92), which presents the following issue: Did the trial court have jurisdiction to award restitution to the victim although defendant's probationary term had expired days earlier?

#14-60 *People v. Solis*, S217702. (B244487; 224 Cal.App.4th 549; Los Angeles County Superior Court; PA071085.) Petition for review after the Court of Appeal affirmed in part and reversed in part a judgment of conviction of criminal offenses. The court ordered briefing deferred pending decision in *People v. Eid*, S211702 (#13-82), which 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?

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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.