



Supreme Court of California  
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**NEWS RELEASE**

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**FOR IMMEDIATE RELEASE**

June 26, 2015

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## Summary of Cases Accepted and Related Actions During Week of June 22, 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.]*

**#15-96 *City of San Buenaventura v. United Water Conservation Dist.*, S226036.** (B251810; 235 Cal.App.4th 228, mod. 235 Cal.App.4th 956b; Santa Barbara County Superior Court; VENCI00401714, VENCI1414739.) Petition for review after the Court of Appeal reversed the judgment in a civil action. The court limited review to the following issues: (1) Do the District's ground water pumping charges violate Proposition 218 or Proposition 26? (2) Does the rate ratio mandated by Water Code section 75594 violate Proposition 218 or Proposition 26?

**#15-97 *People v. Agoun*, S226151.** (D064367; nonpublished opinion; San Diego County Superior Court; SCD233469.) Petition for review after the Court of Appeal affirmed a judgments of conviction of a criminal offense.

**#15-98 *In re Gonzalez*, S226480.** (E060770; nonpublished opinion; Riverside County Superior Court; RIC1306030.) Petition for review after the Court of Appeal reversed an order granting relief on a petition for writ of habeas corpus.

**#15-99 *People v. King*, S225783.** (F067104; nonpublished opinion; Fresno County Superior Court; F11906258.) Petition for review after the Court of Appeal affirmed a judgment of conviction of criminal offenses.

The court ordered briefing *Agoun*, *Gonzalez*, and *King* 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 (Alariste) 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*?

**#15-100 *People v. Bess*, S226470.** (G049721; nonpublished opinion; Orange County Superior Court; 96CF3190.) Petition for review after the Court of Appeal affirmed the denial of a petition to recall sentence.

**#15-101 *People v. Galvan*, S226572.** (G049764; 235 Cal.App.4th 1318; Orange County Superior Court; 95SF0237.) Petition for review after the Court of Appeal affirmed the denial of a petition to recall sentence.

**#15-102 *People v. Sims*, S226570.** (D066438; nonpublished opinion; San Diego County Superior Court; SCE186365.) Petition for review after the Court of Appeal affirmed the denial of a petition to recall sentence.

The court ordered briefing in *Bess*, *Galvan*, and *Sims* 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, subs. (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?

**#15-103 *People v. Cerezo*, S225917.** (B254016; nonpublished opinion; Ventura County Superior Court; 2010032139.) 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)?

**#15-104 *People v. Delgado*, S226425.** (H041059; nonpublished opinion; Santa Clara County Superior Court; C1370392.) Petition for review after the Court of Appeal modified and affirmed a judgment of conviction of a criminal offense. The court ordered briefing deferred pending decision in *People v. Friday*, S218288 (#14-77), *People v. Garcia*, S218197 (#14-78), and *People v. Klatt*, 218755 (#14-79), which present the following issue: Are the conditions of probation mandated by Penal Code section 1203.067, subdivision (b), for persons convicted of specified felony sex offenses — including waiver of the privilege against self-incrimination, required participation in polygraph examinations, and waiver of the psychotherapist–patient privilege — constitutional?

**#15-105 *FTR International v. Board of Trustees*, S226521.** (B242220, B244407, B252040; nonpublished opinion; Los Angeles County Superior Court; BS136137.) Petition for review after the Court of Appeal affirmed in part and reversed in part an order denying a special motion to strike in a civil action. The court ordered briefing deferred pending decision in *City of Montebello v. Vasquez*, S219052 (#14-92), which presents the following issue: Did votes by city officials to approve a contract constitute conduct protected under Code of Civil Procedure section 425.16 despite the allegation that they had a financial interest in the contract?

**#15-106 *In re Willover*, S226523.** (H040757; 235 Cal.App.4th 1328; Monterey County Superior Court; HC7940.) Petition for review after the Court of Appeal granted relief on a petition for writ of habeas corpus. The court ordered briefing 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

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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.*