



Supreme Court of California
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NEWS RELEASE

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FOR IMMEDIATE RELEASE

July 25, 2014

Summary of Cases Accepted and Related Actions for Week of July 21, 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.]

#14-81 *People v. Arroyo, S219178.* (G048659; 225 Cal.App.4th 1378; Orange County Superior Court; 12ZF0158.) Petition for review after the Court of Appeal reversed an order sustaining a demurrer to an indictment in a criminal case. This case presents the following issue: May the criminal prosecution of a juvenile offender under Welfare and Institutions Code section 707, subdivision (d), be commenced by grand jury indictment or only by the filing of an information after a preliminary hearing?

#14-82 *deSaulles v. Community Hospital of the Monterey Peninsula, S219236.* (H038184; 225 Cal.App.4th 1427; Monterey County Superior Court; M85528.) Petition for review after the Court of Appeal reversed an order awarding costs in a civil action. This case presents the following issue: When plaintiff dismissed her action in exchange for the defendant's payment of a monetary settlement, was she the prevailing party for purposes of an award of costs under Code of Civil Procedure section 1032, subdivision (a)(4), because she was "the party with a net monetary recovery," or was defendant the prevailing party because it was "a defendant in whose favor a dismissal is entered"?

#14-83 *DKN Holdings LLC v. Faerber, S218597.* (E055732, E056294; 225 Cal.App.4th 1115; Riverside County Superior Court; RIC1109512.) Petition for review after the Court of Appeal affirmed the judgment in a civil action. The court limited review to the following issues:
(1) Can parties who are jointly and severally liable on an obligation be sued in separate actions?
(2) Does the opinion of the Court of Appeal in this case conflict with the opinion of this court in *Williams v. Reed* (1957) 48 Cal.2d 57?

#14-84 *People v. Safety National Casualty Ins. Co., S218712.* (B243773; 225 Cal.App.4th 438, mod. 225 Cal.App.4th 1411a; Los Angeles County Superior Court; LA066432.) Petition for review after the Court of Appeal reversed an order denying a motion to vacate the forfeiture of a bail bond in a criminal case. This case presents the following issue: May Penal Code section 977, subdivision (b)(1), be utilized to determine whether a proceeding at which a defendant charged with a felony failed to appear was a proceeding at which the defendant was “lawfully required” to appear for purposes of forfeiting bail under Penal Code section 1305, subdivision (a)(4)?

#14-85 *People v. Gonzalez, S219167.* (G047199; 225 Cal.App.4th 1296, mod. 226 Cal.App.4th 127c; Orange County Superior Court; 11ZF0111.) Petition for review after the Court of Appeal affirmed a judgment of conviction of criminal offenses. 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 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*?

STATUS

#14-28 *People v. Cook, S215927.* The court directed supplemental briefing on the question of whether any great bodily injury enhancement was proper in this case.

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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.