



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 July 28, 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.]

#14-86 *Braziel v. Superior Court, S218503.* (B249830; 225 Cal.App.4th 933; Los Angeles County Superior Court; BA183095.) Petition for review after the Court of Appeal denied a petition for peremptory writ of mandate.

#14-87 *People v. Johnson, S219454.* (B249651; 226 Cal.App.4th 620; Los Angeles County Superior Court; YA038015.) Petition for review after the Court of Appeal affirmed an order denying a petition to recall sentence.

#14-88 *People v. Machado, S219819.* (B249557; 226 Cal.App.4th 1044, mod. 226 Cal.App.4th 1376a; Los Angeles County Superior Court; YA036692.) Petition for review after the Court of Appeal reversed an order denying a petition to recall sentence.

Braziel and *Johnson* present the following issue: 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?

Braziel and *Machado* present the following issue: Is an inmate serving an indeterminate term of life imprisonment under the Three Strikes Law (Pen. Code, §§ 667, subds. (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?

#14-89 *People v. Castillolopez, S218861.* (D063394; 225 Cal.App.4th 638; San Diego County Superior Court; SCD242311.) Petition for review after the Court of Appeal reversed a judgment of conviction of a criminal offense. This case presents the following issue: Was defendant's possession of a concealed and opened pocketknife with the blade in its fully extended position sufficient to sustain his conviction for carrying a concealed dirk or dagger in violation of Penal Code section 21310?

#14-90 *In re Transient Occupancy Tax Cases, S218400.* (B243800; 225 Cal.App.4th 56; Los Angeles County Superior Court; JCCP 4472.) Petition for review after the Court of Appeal affirmed the judgment in action for writ of administrative mandate. This case includes the following issue: When a customer books a hotel room through an online travel company, should the occupancy tax levied on the rent charged by the hotel be calculated based on the retail rate paid by the customer to obtain the right to use the room or on the wholesale amount that the hotel receives from the online travel company after that company has deducted its markup and fees?

#14-91 *Grupp v. DHL Express (USA), Inc., S218754.* (B245297; 225 Cal.App.4th 510; Los Angeles County Superior Court; BC406388.) Petition for review after the Court of Appeal affirmed the judgment in a civil action. The court ordered briefing deferred pending decision in *People ex re. Harris v. Pac Anchor Transportation, Inc.*, S194388 (#11-97), which presents the following issue: Is an action under the Unfair Competition Law (Bus. & Prof. Code, § 17200 et seq.) that is based on a trucking company's alleged violation of state labor and insurance laws "related to the price, route, or service" of the company and, therefore, preempted by the Federal Aviation Administration Authorization Act of 1994 (49 U.S.C. § 14501)?

DISPOSITIONS

The following case was transferred for reconsideration in light of *P v. Scott* (2014) 58 Cal.4th 1415:

#14-05 *People v. Reece, S214573.*

Review in the following case was dismissed in light of *P v. Scott* (2014) 58 Cal.4th 1415:

#14-12 *People v. Wilson, S214831.*

The following case was transferred for reconsideration in light of *Duran v. U.S. Bank National Assn.* (2014) 59 Cal.4th 1:

#14-24 *Martinez v. Joe's Crab Shack Holdings, S214864.*

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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.