



Supreme Court of California
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NEWS RELEASE

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FOR IMMEDIATE RELEASE

January 31, 2020

Summary of Cases Accepted and Related Actions During Week of January 27, 2020

[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.]

#20-28 *McHugh v. Protective Life Ins.*, S259215. (D072863; 40 Cal.App.5th 1166; San Diego County Superior Court; 37-2014-00019212-CU-IC-CTL.) Petition for review after the Court of Appeal affirmed the judgment in a civil action. This case presents the following issues: (1) Were the provisions of Insurance Code sections 10113.71 and 10113.72 intended by the Legislature to apply, in whole or in part, to life insurance policies in force as of January 1, 2013, regardless of the original date of issuance of those policies? (2) Did the lower courts in this case properly rely upon private opinions of Department of Insurance staff counsel? (See Ins. Code, § 12921.9; Gov. Code, § 11340.5; *Heckart v. A-1 Self Storage, Inc.* (2018) 4 Cal.5th 749.)

#20-29 *People v. Geer*, S259742. (E070812; nonpublished opinion; Riverside County Superior Court; SWF1707027.) Petition for review after the Court of Appeal conditionally reversed a judgment of conviction of criminal offenses.

#20-30 *People v. Khan*, S259498. (H045524; 41 Cal.App.5th 460; Santa Clara County Superior Court; B1683806.) Petition for review after the Court of Appeal affirmed a judgment of conviction of a criminal offense.

#20-31 *People v. Mirzakhanyan*, S259548. (B290629; nonpublished opinion; Los Angeles County Superior Court; GA100960.) Petition for review after the Court of Appeal modified and affirmed a judgment of conviction of criminal offenses.

#20-32 *People v. Wafer*, S259402. (F075412; nonpublished opinion; Fresno County Superior Court; F11900322, F16906924.) Petition for review after the Court of Appeal affirmed a judgment of conviction of criminal offenses.

The court ordered briefing in *Geer, Khan, Mirzakhanyan, and Wafer* deferred pending decision in *People v. Frahs*, S252220 (#18-175), which presents the following issues: (1) Does Penal Code section 1001.36 apply retroactively to all cases in which the judgment is not yet final? (2) Did the Court of Appeal err by remanding for a determination of defendant's eligibility under Penal Code section 1001.36?

#20-33 *People v. Mountford*, S259526. (B286655; nonpublished opinion; Los Angeles County Superior Court; GA065015.) Petition for review after the Court of Appeal affirmed a judgment of conviction of criminal offenses.

#20-34 *People v. Ragland*, S259840. (A153476; nonpublished opinion; Marin County Superior Court; SC194558.) Petition for review after the Court of Appeal modified and affirmed a judgment of conviction of criminal offenses.

#20-35 *People v. Swetnam*, S259460. (F077286; nonpublished opinion; Fresno County Superior Court; F11904186.) Petition for review after the Court of Appeal affirmed a judgment of conviction of criminal offenses.

The court ordered briefing in *Mountford, Ragland, and Swetnam* deferred pending decision in *People v. Jimenez*, S249397 (#18-99), which presents the following issue: May a felony conviction for the unauthorized use of personal identifying information of another (Pen. Code, § 530.5, subd. (a)) be reclassified as a misdemeanor under Proposition 47 on the ground that the offense amounted to Penal Code section 459.5 shoplifting?

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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.