



NEWS RELEASE

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Summary of Cases Accepted During the Week of July 19, 2010

[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.]

#10-87 *People v. Dowl, S182621.* (F057384; 183 Cal.App.4th 702; Kern County Superior Court; BF125801A.) Petition for review after the Court of Appeal affirmed a judgment of conviction of criminal offenses. This case includes the following issue: If the defendant raises a medical marijuana defense in a prosecution for possession of marijuana for sale, must the People call an expert who has experience in distinguishing lawful medical possession from unlawful possession?

#10-88 *Shalant v. Girardi, S182629.* (B211932, B214302; 183 Cal.App.4th 545; Los Angeles County Superior Court; BC363843.) Petition for review after the Court of Appeal reversed the judgment in a civil action. This case presents the following issue: If a vexatious litigant subject to a prefiling order files a lawsuit while represented by counsel, but counsel substitutes out or is otherwise relieved, may the litigant proceed in propria persona without first obtaining the approval of the presiding judge under Code of Civil Procedure section 391.7?

#10-89 *People v. Otubuah, S184314.* (E047271; 184 Cal.App.4th 422; San Bernardino County Superior Court; FWV801484.) Review on the court's own motion after the Court of Appeal affirmed in part and reversed in part a judgment of conviction of criminal offenses.

#10-90 *People v. Pelayo*, S183552. (A123042; 184 Cal.App.4th 481; Solano County Superior Court; FCR243938.) Petition for review after the Court of Appeal remanded for recalculation of presentence credits, and otherwise affirmed. a judgment of conviction of criminal offenses.

The court ordered briefing in *Otubuah* and *Pelayo* deferred pending decision in *People v. Brown*, S181963 (#10-64), which presents the following issue: Does Penal Code section 4019, as amended to increase presentence custody credits for certain offenders, apply retroactively?

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