



**NEWS RELEASE**

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**FOR IMMEDIATE RELEASE**

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## Summary of Cases Accepted and Related Actions for Week of April 29, 2013

*[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.]*

**#13-38 *People v. Ikeda, S209192.*** (B238600; 213 Cal.App.4th 326; Ventura County Superior Court; 2011007697.) Petition for review after the Court of Appeal affirmed a judgment of conviction of a criminal offense. This case presents the following issues: (1) After detaining a person outside a hotel room, may law enforcement officers enter the detainee's room to conduct a protective sweep under *Maryland v. Buie* (1990) 494 U.S. 325 based on a reasonable suspicion the room harbors a person posing a danger to officer safety? (2) Did law enforcement officers have reasonable suspicion in this case to believe defendant's hotel room harbored a person who posed a danger to officer safety?

**#13-39 *Johnson v. Superior Court, S209167.*** (E055194; nonpublished opinion; San Bernardino County Superior Court; CIVDS1105422.) Petition for review after the Court of Appeal reversed the judgment denying a petition for writ of mandate. This case presents the following issue: Do the equal protection principles of *People v. Hofsheier* (2006) 37 Cal.4th 1185 bar mandatory sex offender registration for a defendant convicted of oral copulation between a "person over the age of 21 years" and a "person who is under 16 years of age" (Pen. Code, § 288a, subd. (b)(2))?

**#13-40 *People v. Whitmer, S208843.*** (B231038; 213 Cal.App.4th 122; Los Angeles County Superior Court; GA079423.) Petition for review after the Court of Appeal affirmed a judgment of conviction of criminal offenses. The court limited review to the following issue: Was defendant properly sentenced on multiple counts of grand theft or did his multiple takings constitute a single offense under *People v. Bailey* (1961) 55 Cal.2d 514?

**#13-41 *People v. Meraz, S208967.*** (B235143; nonpublished opinion; Ventura County Superior Court; 2009013585.) Petition for review after the Court of Appeal remanded for resentencing and otherwise affirmed a judgment of conviction of criminal offenses. The court ordered

briefing deferred pending decision in *People v. Gutierrez*, S206365 (#13-01), and *People v. Moffett*, S206771 (#13-03), which present issues concerning the sentencing of juvenile offenders under Penal Code section 190.5, subdivision(b), in light of *Miller v. Alabama* (2012) 567 U.S. \_\_\_ [132 S.Ct. 2455].

**#13-42 *Natalini v. Import Motors, Inc., S209324.*** (A133236; 213 Cal.App.4th 587; San Mateo County Superior Court; CIV500678.) Petition for review after the Court of Appeal affirmed an order denying a petition to compel arbitration in a civil action. The court ordered briefing deferred pending decision in *Sanchez v. Valencia Holding Co. LLC*, S199119 (#12-33), which includes the following issue: Does the Federal Arbitration Act (9 U.S.C. § 2), as interpreted in *AT&T Mobility LLC v. Concepcion* (2011) 563 U. S. \_\_\_ [131 S.Ct. 1740], preempt state law rules invalidating mandatory arbitration provisions in a consumer contract as procedurally and substantively unconscionable?

## DISPOSITIONS

Review in the following case was dismissed in light of *In re Shaputis* (2012) 53 Cal.4th 192 and *In re Vicks* (2013) 56 Cal.4th 274:

**#11-92 *In re Russo, S193197.***

Review in the following cases was dismissed in light of *In re Vicks* (2013) 56 Cal.4th 274:

**#11-112 *In re Aragon, S194673.***

**#11-113 *In re Smith, S194750.***

**#12-09 *In re Rodriguez, S197961.***

**#12-20 *In re Hernandez, S198526.***

**#12-61 *In re Thompkins, S200997.***

The following case was transferred for reconsideration in light of *In re Vicks* (2013) 56 Cal.4th 274:

**#11-123 *In re Reed, S196158.***

Review in the following case was dismissed in light of *Greb v. Diamond International Corp.* (2013) 56 Cal.4th 243:

**#12-120 *Robinson v. SSW, Inc., S206347.***

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