



Supreme Court of California
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NEWS RELEASE

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FOR IMMEDIATE RELEASE

October 13, 2017

Summary of Cases Accepted and Related Actions During Week of October 10, 2017

[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.]

#17-295 *Association for Los Angeles Deputy Sheriffs v. Superior Court*, S243855.

(B280676; 13 Cal.App.5th 413; Los Angeles County Superior Court; BS166063.)

Petition for review after the Court of Appeal granted in part and denied in part a petition for writ of peremptory mandate. The court directed the parties to brief the following issue: When a law enforcement agency creates an internal *Brady* list (see Gov. Code, § 3305.5), and a peace officer on that list is a potential witness in a pending criminal prosecution, may the agency disclose to the prosecution (a) the name and identifying number of the officer and (b) that the officer may have relevant exonerating or impeaching material in his or her confidential personnel file, or can such disclosure be made only by court order on a properly filed *Pitchess* motion? (See *Brady v. Maryland* (1963) 373 U.S. 83; *People v. Superior Court (Johnson)* (2015) 61 Cal.4th 696; *Pitchess v. Superior Court* (1974) 11 Cal.3d 531; Pen. Code, §§ 832.7-832.8; Evid. Code, §§ 1043-1045.)

#17-296 *People v. Bayoneta*, S243461. (C081588; nonpublished opinion; Yolo County Superior Court; CRF121798, CRF124178.) Petition for review after the Court of Appeal affirmed an order denying a petition to recall sentence. The court ordered briefing deferred pending decision in *People v. Maita*, S230957 (#16-40), which concerns whether the defendant's sentence was improperly enhanced with a prior conviction for transporting a controlled substance, since Health and Safety Code section 11379 had been amended after the date of that conviction to exclude transportation for personal use and limit the statute to transportation for sale, *People v. Martinez*, S231826, which concerns whether a petition to recall sentence under Penal Code section 1170.18 can be used to request the trial court to reduce a prior felony conviction for transportation of a controlled substance to a misdemeanor in light of the 2013 amendment to Health and Safety Code section 11379, and *In re Guiomar*, S238888, which concerns whether a penalty

enhancement for failure to appear on a felony charge is affected by the reclassification of that felony as a misdemeanor under the provisions of Proposition 47.

#17-297 *Hussein v. Driver*, S240506. (A144786; nonpublished opinion; San Francisco County Superior Court; CGC08483062.) Petition for review after the Court of Appeal reversed an order awarding attorney fees in a civil action. The court ordered briefing deferred pending decision in *Mountain Air Enterprises, LLC v. Sundowner Towers, LLC*, S223536 (#15-25), which includes the following issues: (1) Does the assertion of an agreement as an affirmative defense implicate the attorney fee provision in that agreement? (2) Does the term “action” or “proceeding” in Civil Code section 1717 and in attorney fee provisions encompass the assertion of an affirmative defense? [Note: Review in this case was granted on April 12, 2017, but the cause was not previously reported due to an oversight.]

#17-298 *People v. Spani*, S244066. (D070730; nonpublished opinion; San Diego County Superior Court; SCD260074.) Petition for review after the Court of Appeal affirmed a judgment of conviction of a criminal offense. The court ordered briefing deferred pending decision in *People v. Ruiz*, S235556 (#16-312), which presents the following issue: May a trial court properly impose a criminal laboratory analysis fee (Health & Saf. Code, § 11372.5, subd. (a)) and a drug program fee (Health & Saf. Code, § 11372.7, subd. (a)) based on a defendant’s conviction for conspiracy to commit certain drug offenses?

DISPOSITIONS

Review in the following case was dismissed in light of *In re R.T.* (2017) 3 Cal.5th 622:

#17-159 *In re Samantha D.*, S240694.

The following case was transferred for reconsideration in light of *In re R.T.* (2017) 3 Cal.5th 622:

#17-223 *In re Priscilla A.*, S241995.

STATUS

#15-46 *People v. Conteras*, S224564. The court directed supplemental briefing on the following issue: What bearing, if any, do AB 1448 or SB 394, signed into law on October 11, 2017, or the regulations codified at title 15 of the California Code of Regulations, sections 3043, 3043.2, 3043.3, 3043.4, 3043.5, and 3043.6 have on this court’s examination of whether defendants’ sentences in the above-titled case are functionally equivalent to sentences of life without the possibility of parole within the meaning of the Eighth Amendment?

#16-27 Jameson v. Desta, S230899. The court directed supplemental briefing on the following issue: What effect, if any, does the 2015 amendment to California Rules of Court, rule 3.55(7) and the accompanying Advisory Committee Comment have on the resolution of the issue presented by this case?

#17-98 Newport Harbor Ventures, LLC v. Morris Cerullo World Evangelism, S239777. The court ordered the issue to be briefed and argued in this case limited to the following: May a motion to strike under Code of Civil Procedure section 425.16 be brought against any claim in an amended complaint or only against claims appearing for the first time in the amended complaint?

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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.