



**SUPREME COURT OF CALIFORNIA
ORAL ARGUMENT CALENDAR
SAN FRANCISCO SESSION
JANUARY 3 and 4, 2018**

The following cases are placed upon the calendar of the Supreme Court for hearing at its courtroom in the Ronald M. George State Office Complex, Earl Warren Building, 350 McAllister Street, Fourth Floor, San Francisco, California, on January 3 and 4, 2018.

WEDNESDAY, JANUARY 3, 2018 — 9:00 A.M.

- (1) Regents of the University of California et al. v. Superior Court of Los Angeles County (Katherine Rosen, Real Party in Interest), S230568
(*justice pro tempore to be assigned*)
- (2) Newport Harbor Ventures, LLC et al. v. Morris Cerullo World Evangelism et al., S239777
(*Raye, A. P. J., assigned justice pro tempore*)
- (3) People v. Buza (Mark), S223698
(*Perluss, J., assigned justice pro tempore*)

1:30 P.M

- (4) People v. DeHoyos (Veronica Lorraine), et al., S228230
(*Needham, Jr., J., assigned justice pro tempore*)
- (5) In re Vicente Benavides Figueroa on Habeas Corpus,
[Automatic Appeal], S111336
(*justice pro tempore to be assigned*)
- (6) People v. Daveggio (James Anthony) and Michaud (Michelle Lyn),
[Automatic Appeal], S110294
(*Pollak, J., assigned justice pro tempore*)

THURSDAY, JANUARY 4, 2018 — 9:00 A.M.

- (7) People v. Martinez (Mario), S231826
(*justice pro tempore to be assigned*)
- (8) In re Roy Thinnes Butler on Habeas Corpus, S237014
(*justice pro tempore to be assigned*)

CANTIL-SAKAUYE

Chief Justice

If exhibits are to be transmitted to this court, counsel must apply to the court for permission. (See Cal. Rules of Court, rule 8.224(c).)

**SUPREME COURT OF CALIFORNIA
ORAL ARGUMENT CALENDAR
SAN FRANCISCO SESSION
JANUARY 3 and 4, 2018**

The following case summaries are issued to inform the public about cases that the California Supreme Court has scheduled for oral argument and of their general subject matter. In most instances, the descriptions set out below are reproduced from the original news release issued when review in each of these matters was granted and are provided for the convenience of the public. The descriptions do not necessarily reflect the view of the court or define the specific issues that will be addressed by the court.

WEDNESDAY, JANUARY 3, 2018 — 9:00 A.M.

(1) *Regents of the University of California et al. v. Superior Court of Los Angeles County (Katherine Rosen, Real Party in Interest), S230568 (justice pro tempore to be assigned)*

#16-23 Regents of the University of California et al. v. Superior Court of Los Angeles County (Katherine Rosen, Real Party of Interest), S230568. (B259424; 240 Cal.App.4th 1296; Superior Court of Los Angeles County; SC108504.) Petition for review after the Court of Appeal granted a petition for peremptory writ of mandate. This case presents the following issue: Do California public institutions of higher education and their employees have a duty of care to their students while in the classroom to warn them of and protect them from foreseeable acts of violence by fellow students?

(2) *Newport Harbor Ventures, LLC et al. v. Morris Cerullo World Evangelism et al., S239777 (Raye, A. P. J., assigned justice pro tempore)*

#17-98 Newport Harbor Ventures, LLC et al. v. Morris Cerullo World Evangelism et al., S239777. (G052660; 6 Cal.App.5th 1207; Superior Court of Orange County; 30-2013-00665314.) Petition for review after the Court of Appeal affirmed an order denying a special motion to strike. This case presents the following issues: (1) May a motion to strike under the anti-SLAPP statute be brought against any claim in an amended complaint, including claims that were asserted in prior complaints? (2) Can inconsistent claims survive an anti-SLAPP motion if evidence is presented to negate one of the claims?

(3) ***People v. Buza (Mark), S223698 (Perluss, J., assigned justice pro tempore)***
#15-12 *People v. Buza (Mark), S223698.* (A125542; 231 Cal.App.4th 1446; Superior Court of San Francisco County; 207818.) Petition for review after the Court of Appeal reversed a judgment of conviction of criminal offenses. This case presents the following issue: Does the compulsory collection of a biological sample from all adult felony arrestees for purposes of DNA testing (Pen. Code, §§ 296, subd. (a)(2)(C); 296.1, subd. (a)(1)(A)) violate the Fourth Amendment to the United States Constitution or article I, section 13, of the California Constitution?

1:30 P.M.

(4) ***People v. DeHoyos (Veronica Lorraine), et al., S228230 (Needham, Jr., J., assigned justice pro tempore)***
#15-171 *People v. Dehoyos (Veronica Lorraine), et al., S228230.* (D065961; 238 Cal.App.4th 363; Superior Court of San Diego County; SCD252670.) Petition for review after the Court of Appeal affirmed a judgment of conviction of a criminal offense. This case presents the following issue: Does the Safe Neighborhood and Schools Act [Proposition 47] (Gen. Elec. (Nov. 4, 2014)), which made specified crimes misdemeanors rather than felonies, apply retroactively to a defendant who was sentenced before the Act's effective date but whose judgment was not final until after that date?

(5) ***In re Vicente Benavides Figueroa on Habeas Corpus, S111336 [Automatic Appeal] (justice pro tempore to be assigned)***

This matter is an automatic appeal from a judgment of death.

(6) ***People v. Daveggio (James Anthony) and Michaud (Michelle Lyn), S110294 [Automatic Appeal] (Pollak, J., assigned justice pro tempore)***

This matter is an automatic appeal from a judgment of death.

THURSDAY, JANUARY 4, 2018 — 9:00 A.M.

(7) ***People v. Martinez (Mario), S231826 (justice pro tempore to be assigned)***
#16-88 *People v. Martinez (Mario), S231826.* (E063107; nonpublished opinion;

Superior Court of Riverside County; RIF136990.) Petition for review after the Court of Appeal affirmed an order granting in part and denying in part a petition to recall sentence. This case presents the following issue: Could defendant use a petition for recall of sentence under Penal Code section 1170.18 to request the trial court to reduce his prior felony conviction for transportation of a controlled substance to a misdemeanor in light of the amendment to Health and Safety Code section 11379 effected by Proposition 47?

(8) *In re Roy Thinnes Butler on Habeas Corpus, S237014 (justice pro tempore to be assigned)*

#16-394 In re Roy Thinnes Butler on Habeas Corpus, S237014. (A139411; nonpublished order; Superior Court of Alameda County; 91694B.) Petition for review after the Court of Appeal denied a motion to modify an order implementing a settlement agreement. This case presents the following issue: Should the Board of Parole Hearings be relieved of its obligations arising from a 2013 settlement to continue calculating base terms for life prisoners and to promulgate regulations for doing so in light of the 2016 statutory reforms to the parole suitability and release date scheme for life prisoners, which now mandate release on parole upon a finding of parole suitability?