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Supreme Court Opens Oral Argument Today in San Francisco

San Francisco—The California Supreme Court will hold a three-day oral argument session starting today, May 3, 2011, through Thursday, May 5, in its courtroom in the Earl Warren Building, 350 McAllister Street, Fourth Floor, San Francisco, California. Sixteen cases will be argued, including six death penalty appeals.

As a service to the public and press, the Supreme Court has posted the briefs in each case to be argued: <http://www.courts.ca.gov/13832.htm> . The court's calendar with case summaries appears below and online at <http://www.courtinfo.ca.gov/courts/calendars/documents/SMAYB11.PDF>.

SUPREME COURT OF CALIFORNIA ORAL ARGUMENT CALENDAR SAN FRANCISCO SESSION MAY 3, 4, and 5, 2011

FIRST AMENDED

These case summaries are issued to inform the public and the press of cases that the Supreme Court has scheduled for oral argument and of their general subject matter. Generally, 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 and the press. The descriptions do not necessarily reflect the view of the court or define the specific issues that will be addressed by the court.

TUESDAY, MAY 3, 2011—9:00 A.M.

(1) *Stark v. Superior Court of Sutter County (People, Real Party in Interest), S145337 (Cantil-Sakauye, CJ., not participating; Dondero and Duffy, JJ., assigned justices pro tempore)*

#06-104 Stark v. Superior Court of Sutter County (People, Real Party in Interest), S145337. (C051073, C051074, C051075; 140 Cal.App.4th 567;

Superior Court of Sutter County; CRMS051001, CRMS051030, CRMS051031.) Petition for review after the Court of Appeal granted in part and denied in part petitions for peremptory writ of mandate. This case presents the following issues: (1) Does the offense of falsification of accounts or misappropriation of public funds by a public officer or employee in violation of Penal Code section 424 require intentional violation of a known legal duty or is it a general intent crime? (2) Does Government Code section 3060, authorizing an accusation for willful or corrupt misconduct in office, require a knowing and purposeful refusal to follow the law or does general intent suffice? (3) Can a defendant move to set aside an indictment under Penal Code section 995, subdivision (a)(1)(B), or object to the sufficiency of an accusation pursuant to Government Code section 3066 on the ground the grand jury was misinstructed on the required mental state? (4) What is the standard for assessing a district attorney's alleged conflict of interest when the issue is raised on a motion under Penal Code section 995?

(2) ***People v. Skiles (Danny Lee), S180567 (Elia, J., assigned justice pro tempore)***
#10-51 *People v. Skiles (Danny Lee), S180567.* (G040808; 180 Cal.App.4th 1363; Superior Court of Orange County; 08HF0799.) Petition for review after the Court of Appeal modified and affirmed a judgment of conviction of criminal offenses. The court limited review to the following issue: Are faxed copies of certified court records admissible to establish that a prior conviction qualifies as a serious or violent felony for purposes of the three strikes law?

(3) ***In re K.C., S183320 (Gilbert, J., assigned justice pro tempore)***
#10-82 *In re K.C., S183320.* (F058395; 184 Cal.App.4th 120; Superior Court of Kings County; 08JD0075.) Petition for review after the Court of Appeal affirmed an order terminating parental rights. This case presents the following issue: What injury must a parent show in order to have standing to contest the denial of a petition for modification seeking placement of a child with a relative when the petition is brought after termination of reunification services but before the selection and implementation hearing?

1:30 P.M.

(4) ***People v. Virgil (Lester Wayne), S047867 (Bigelow, P.J., assigned justice pro tempore)***
[Automatic Appeal]

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

(5) ***People v. Bivert (Kenneth Ray), S099414 (Haerle, J., assigned justice pro tempore)***
[Automatic Appeal]

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

(6) ***People v. Maikhio (Bouhn), S180289 (Coffee, J., assigned justice pro tempore)***
#10-50 *People v. Maikhio (Bouhn), S180289.* (D055068; 180 Cal.App.4th 1178; Superior Court of San Diego County; CA211304.) Petition for review after the Court of Appeal

affirmed an order granting a motion to suppress evidence. This case includes the following issue: Is a fish and game warden statutorily authorized to stop a vehicle occupied by a person the warden reasonably believes has recently been fishing or hunting to request the display of all fish or game that the angler or hunter has caught or taken, even when there is not reasonable suspicion that the angler or hunter has violated a fish and game statute or regulation? If so, does such a suspicionless stop of a vehicle by a fish and game warden violate the Fourth Amendment?

WEDNESDAY, MAY 4, 2011—9:00 A.M.

(7) *Brown et al. v. Mortensen, S180862 (Irion, J., assigned justice pro tempore)*

#10-42 *Brown et al. v. Mortensen, S180862.* (B199793; 181 Cal.App.4th 789; Superior Court of Los Angeles County; BC289546.) Petition for review after the Court of Appeal affirmed the judgment in a civil action. This case presents the following issue: Does the Federal Credit Reporting Act (15 U.S.C. § 1681 et seq.) preempt causes of action for improper disclosure of medical information to credit reporting agencies under California's Confidentiality of Medical Information Act (Civ. Code, § 56 et seq.)?

(8) *In re Mark Christopher Crew on Habeas Corpus, S107856 (Chaves, J., assigned justice pro tempore)*

#05-24 *In re Mark Christopher Crew on Habeas Corpus, S107856.* Original proceeding. In this case, which is related to the automatic appeal in *People v. Crew* (2003) 31 Cal.4th 822, the court issued an order to show cause limited to the following claim: Is petitioner entitled to relief from the judgment of death on the ground that trial counsel failed to adequately investigate and present mitigating evidence at the penalty phase of petitioner's trial?

**(9) *People v. Loy (Eloy), S076175 (Haller, J., assigned justice pro tempore)*
[Automatic Appeal]**

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

1:30 P.M.

(10) *Save the Plastic Bag Coalition v. City of Manhattan Beach, S180720 (Croskey, J., assigned justice pro tempore)*

#10-48 *Save the Plastic Bag Coalition v. City of Manhattan Beach, S180720.* (B215788; 181 Cal.App.4th 521; Superior Court of Los Angeles County; BS116362.) Petition for review after the Court of Appeal affirmed the judgment in an action for writ of administrative mandate. This case presents the following issues: (1) Did an association of plastic bag manufacturers have standing to challenge a local ordinance banning the use of plastic bags? (2) Did the trial court err in ruling the ordinance invalid for the failure to prepare an environmental impact report?

(11) *Shalant v. Girardi et al. and consolidated case, S182629 (Hill, A.P.J., assigned justice pro tempore)*

#10-88 Shalant v. Girardi et al. and consolidated case, S182629. (B211932, B214302; 183 Cal.App.4th 545; Superior Court of Los Angeles County; 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?

(12) *People v. Murphy (Melissa Kay), S180181 (Huffman, J., assigned justice pro tempore)*

#10-47 People v. Murphy (Melissa Kay), S180181. (E046742; 180 Cal.App.4th 905; Superior Court of San Bernardino County; FSB060016.) 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's conviction under Penal Code section 115 preempted by Vehicle Code sections 20 and 10501, subdivision (a)?

THURSDAY, MAY 5, 2011—9:00 A.M.

(13) *People v. Gonzales (John Anthony) and Soliz (Michael), S075616 (Hollenhorst, J., assigned justice pro tempore) [Automatic Appeal]*

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

(14) *People v. Moore (Charles Edward), S075726 (Hull, J., assigned justice pro tempore) [Automatic Appeal]*

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

(15) *People v. Famalaro (John Joseph), S064306 (Ikola, J., assigned justice pro tempore) [Automatic Appeal]*

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

1:30 P.M.

(16) *California Grocers Assn. v. City of Los Angeles et al. (Los Angeles Alliance for a New Economy, Intervener), S176099 (Grimes, J., assigned justice pro tempore)*

#09-71 California Grocers Assn. v. City of Los Angeles et al. (Los Angeles Alliance for a New Economy, Intervener), S176099. (B206750; 176 Cal.App.4th 51; Superior Court of Los Angeles County; BC351831.) Petition for review after the Court of Appeal affirmed the judgment in a civil action. This case presents the following issues: Do California food safety laws preempt a local ordinance that requires a grocery store, after a change of ownership, to retain the employees of the former owner for a 90-day transition period? Do federal labor laws do so?