



Supreme Court of California
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NEWS RELEASE

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FOR IMMEDIATE RELEASE

March 20, 2015

Summary of Cases Accepted and Related Actions for Week of March 16, 2015

[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.]

#15-24 *People v. Gonzalez, S223763.* (E059859; 232 Cal.App.4th 151; Riverside County Superior Court; INF1300854.) Petition for review after the Court of Appeal reversed an order dismissing counts in a criminal case. This case presents the following issue: Can nonverbal, threatening gestures constitute a “statement, made verbally, in writing, or by means of an electronic communication device” as required for making a criminal threat in violation of Penal Code section 422?

#15-25 *Mountain Air Enterprises, LLC v. Sundowner Towers, LLC, S223536.* (A138306; 231 Cal.App.4th 805; Marin County Superior Court; CIV081957.) Petition for review after the Court of Appeal reversed an order denying attorney fees in a civil action. This case 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?

#15-26 *In re Richards, S223651.* Original proceeding. The court issued an order to show cause why relief should not be granted on the ground that petitioner was convicted on the basis of false evidence as defined in Penal Code section 1473, subdivision (e).

#15-27 *People v. Jafari, S223991.* (A139896; nonpublished opinion; Contra Costa County Superior Court; 51009026.) Petition for review after the Court of Appeal affirmed a judgment of conviction of criminal offenses. The court ordered briefing deferred pending the United States Supreme Court’s consideration and disposition of *Rodriguez v. United States*, No. 13-9972, cert. granted Oct. 2, 2014, ___ U.S. ___, No. 13-9972 [135 S.Ct. 43, 189 L.Ed.2d 896].

#15-28 Yoonessi v. Toyota Motor Sales, U.S.A., Inc., S223679. (B259446; nonpublished opinion; Los Angeles County Superior Court; BC519765.) Petition for review after the Court of Appeal dismissed an appeal in a civil action. The court ordered briefing deferred pending decision in *John v. Superior Court*, S222726 (#15-09), which presents the following issue: Must a defendant who has been declared a vexatious litigant and is subject to a pre-filing order (Code Civ. Proc., § 391.7, subd. (a)) obtain leave of the presiding judge or justice before filing an appeal from an adverse judgment?

DISPOSITIONS

Review in the following case, which was held for *People v. Aguilar* (2015) 60 Cal.4th 862 and *People v. Trujillo* (2015) 60 Cal.4th 850, was dismissed:

#14-06 People v. Valenzuela, S214485.

The following case was transferred for reconsideration in light of *People v. Trujillo* (2015) 60 Cal.4th 850:

#14-120 People v. Povio, S220685.

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.

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