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Public Information Office
455 Golden Gate Avenue
San Francisco, CA 94102-3688
www.courtinfo.ca.gov

415-865-7740

Lynn Holton
Public Information Officer

NEWS RELEASE

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Summary of Cases Accepted During the Week of February 22, 2010

[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.]

#10-22 *People v. Hernandez, S178823.* (H031992; 178 Cal.App.4th 1510; Santa Cruz County Superior Court; F12934.) Petition for review after the Court of Appeal reversed a judgment of conviction of a criminal offense. This case presents the following issue: Did the trial court's gag order, which precluded defense counsel from discussing with defendant a sealed declaration of a testifying prosecution witness and a transcript of that witness's plea-agreement proceedings, so completely deprive defendant of his right to counsel as to constitute structural error reversible without a showing of prejudice or did the gag order implicate defendant's right to counsel in a manner requiring a showing of prejudice before reversal would be required?

STATUS

#08-124 *Simpson Strong-Tie Co. v. Gore, S164174.* The court invited the parties to file supplemental briefs addressing the following question: Does the anti-SLAPP exemption under Code of Civil Procedure section 425.17, subdivision (c), for a "statement or conduct . . . made in the course of delivering the . . . goods or services" of a person primarily engaged in the business of selling or leasing goods or services apply to *any* statement or conduct made in the course of delivering the person's goods or services or only to a statement or conduct made in the course of delivering the person's goods or services that "consists of representations of fact about that person's or a business competitor's business operations, goods, or services"?