



**SUPREME COURT OF CALIFORNIA
ORAL ARGUMENT CALENDAR
LOS ANGELES SESSION
DECEMBER 3 and 4, 2019**

The following cases are placed upon the calendar of the Supreme Court for hearing at its courtroom in the Ronald Reagan State Office Building, 300 South Spring Street, Third Floor, North Tower, Los Angeles, California on December 3 and 4, 2019.

TUESDAY, DECEMBER 3, 2019—1:30 P.M.

- (1) People v. Jimenez (Miguel Angel), S249397
- (2) People v. Perez (Jose Luis) et al., S248730
- (3) People v. Veamatahau (Joseph), S249872

WEDNESDAY, DECEMBER 4, 2019—9:00 A.M.

- (4) Scholes (Vincent E.) v. Lambirth Trucking Company, S241825
(*Chin and Corrigan, JJ., not participating; Aronson and Banke, JJ., assigned justices pro tempore*)
- (5) Frlekin (Amanda) et al. v. Apple, Inc., S243805
(*Chin, J., not participating; Edmon, P. J., assigned justice pro tempore*)
- (6) In re Gay (Kenneth Earl) on Habeas Corpus, S130263

1:30 P.M.

- (7) People v. McKenzie (Douglas Edward), S251333
- (8) In re G.C., S252057

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
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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.

TUESDAY, DECEMBER 3, 2019—1:30 P.M.

(1) *People v. Jimenez (Miguel Angel)*, S249397

#18-99 *People v. Jimenez (Miguel Angel)*, S249397. (B283858; 22 Cal.App.5th 1282; Superior Court of Ventura County; 2016041618.) Petition for review after the Court of Appeal affirmed an order granting a petition to recall sentence. This case presents the following issue: May a felony conviction for the unauthorized use of personal identifying information of another (Pen. Code, § 530.5, subd. (a)) be reclassified as a misdemeanor under Proposition 47 on the ground that the offense amounted to Penal Code section 459.5 shoplifting?

(2) *People v. Perez (Jose Luis) et al.*, S248730

#18-95 *People v. Perez (Jose Luis) et al.*, S248730. (E060438; 22 Cal.App.5th 201; Superior Court of San Bernardino County; FVI901482.) Petition for review after the Court of Appeal reversed in part and affirmed in part judgments of conviction of criminal offenses. The court limited review to the following issue: Did defendant's failure to object at trial, before *People v. Sanchez* (2016) 63 Cal.4th 665 was decided, forfeit his claim that a gang expert's testimony related case-specific hearsay in violation of his Sixth Amendment right of confrontation?

(3) ***People v. Veamatahau (Joseph), S249872***

#18-120 *People v. Veamatahau (Joseph), S249872.* (A150689; 24 Cal.App.5th 68; Superior Court of San Mateo County; SF398877.) Petition for review after the Court of Appeal affirmed a judgment of conviction of criminal offenses. The court limited review to the following issues: (1) Did the prosecution's expert witness relate inadmissible case-specific hearsay to the jury by using a drug database to identify the chemical composition of the drug defendant possessed? (2) Did substantial evidence support defendant's conviction for possession of a controlled substance (Health & Saf. Code, § 11375, subd. (b)(2))?

WEDNESDAY, DECEMBER 4, 2019—9:00 A.M.

(4) ***Scholes (Vincent E.) v. Lambirth Trucking Company, S241825 (Chin and Corrigan, JJ., not participating; Aronson and Banke, JJ., assigned justices pro tempore)***

#17-200 *Scholes (Vincent E.) v. Lambirth Trucking Company, S241825.* (C070770; 10 Cal.App.5th 590; Superior Court of Colusa County; CV23759.) Petition for review after the Court of Appeal affirmed the judgment in a civil action. This case presents the following issue: Are the double damages provisions of Civil Code section 3346 applicable to negligently caused fire damage to trees?

(5) ***Frlekin (Amanda) et al. v. Apple, Inc., S243805 (Chin, J., not participating; Edmon, P. J., assigned justice pro tempore)***

#17-278 *Frlekin (Amanda) et al. v. Apple, Inc., S243805.* (9th Cir. No. 15-17382; ___ F.3d ___, 2017 WL 3723235; Northern District of California; Nos. C 13-03451 WHA, No. C 13-03775 WHA, C 13-04727 WHA.) Request under California Rules of Court rule 8.548, that this court decide a question of California law presented in a matter pending in the United States Court of Appeals for the Ninth Circuit. The question presented is: "Is time spent on the employer's premises waiting for, and undergoing, required exit searches of packages or bags voluntarily brought to work purely for

personal convenience by employees compensable as ‘hours worked’ within the meaning of California Industrial Welfare Commission Wage Order No. 7?”

(6) *In re Gay (Kenneth Earl) on Habeas Corpus, S130263*

This matter is related to an underlying automatic appeal from a judgment of death. The court issued an order to show cause concerning whether counsel performed deficiently at the guilt phase of trial and was burdened by a conflict of interest.

1:30 P.M.

(7) *People v. McKenzie (Douglas Edward), S251333*

#18-161 *People v. McKenzie (Douglas Edward), S251333.* (F073942; 25 Cal.App.5th 1207; Superior Court of Madera County; MCR047554, MCR047692, MCR047982.)

Petition for review after the Court of Appeal remanded for resentencing and otherwise affirmed a judgment of conviction of criminal offenses. This case presents the following issue: When is the judgment in a criminal case final for purposes of applying a later change in the law if the defendant was granted probation and imposition of sentence was suspended?

(8) *In re G.C., S252057*

#18-172 *In re G.C., S252057.* (H043281; 27 Cal.App.5th 110; Superior Court of Santa Clara County; JV40902.) Petition for review after the Court of Appeal dismissed an appeal from orders in a juvenile wardship proceeding. This case presents the following issue: Can the juvenile court’s failure to expressly declare whether an offense is a felony or a misdemeanor (see *In re Manzy W.* (1997) 14 Cal.4th 1199) be challenged on appeal from orders in a subsequent wardship proceeding?