



**SUPREME COURT OF CALIFORNIA
ORAL ARGUMENT CALENDAR
SAN FRANCISCO SESSION
SEPTEMBER 3 and 4, 2019**

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 September 3 and 4, 2019.

TUESDAY, SEPTEMBER 3, 2019—9:00 A.M.

- (1) People v. Lopez (Maria Elena), S238627
- (2) People v. Rhoades (Robert Boyd), [Automatic Appeal], S082101
- (3) People v. Fayed (James Michael), [Automatic Appeal], S198132

1:30 P.M.

- (4) Wishnev (Sanford J.) v. The Northwestern Mutual Life Insurance Company, S246541
- (5) People v. Krebs (Rex Allan), [Automatic Appeal], S099439
- (6) People v. Johnson (Joe Edward), [Automatic Appeal], S029551

WEDNESDAY, SEPTEMBER 4, 2019—9:00 A.M.

- (7) People v. Liu (Si H.), S248130
- (8) People v. Beck (James David) and Cruz (Gerald Dean),
[Automatic Appeal], S029843

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
SEPTEMBER 3 and 4, 2019**

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, SEPTEMBER 3, 2019—9:00 A.M.

(1) *People v. Lopez (Maria Elena)*, S238627

#17-33 *People v. Lopez (Maria Elena)*, S238627. (C078537; 4 Cal.App.5th 815; Superior Court of Yolo County; CRF143400.) Petition for review after the Court of Appeal reversed an order of dismissal of a criminal proceeding. This case presents the following issue: Does *Arizona v. Gant* (2009) 556 U.S. 332 permit a peace officer to search the interior of a suspect's vehicle for identification if the suspect fails to provide it upon request? (See *In re Arturo D.* (2002) 27 Cal.4th 60.)

(2) *People v. Rhoades (Robert Boyd)*, [Automatic Appeal], S082101

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

(3) *People v. Fayed (James Michael)*, [Automatic Appeal], S198132

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

1:30 P.M.

(4) *Wishnev (Sanford J.) v. The Northwestern Mutual Life Insurance Company*, S246541

#18-42 *Wishnev (Sanford J.) v. The Northwestern Mutual Life Insurance Company*, S246541. (9th Cir. No. 16- 16037; 880 F.3d 493; Northern District of California; No. 15-

cv-03797-EMC.) Request under California Rules of Court rule 8.548, that this court decide questions of California law presented in a matter pending in the United States Court of Appeals for the Ninth Circuit. The questions presented are: “1. Are the lenders identified in Article XV of the California Constitution (Cal. Const., art. XV, § 1) as being exempt from the restrictions otherwise imposed by that article, nevertheless subject to the requirement in section 1916-2 of the California Civil Code that a lender may not compound interest ‘unless an agreement to that effect is clearly expressed in writing and signed by the party to be charged therewith?’ 2. Does an agreement meet the requirement of section 1916-2 if it is comprised of: (a) an application for insurance signed by the borrower, and (b) a policy of insurance containing an agreement for compound interest that is subsequently attached to the application, thus constituting the entire contract between the parties pursuant to section 10113 of the California Insurance Code?”

(5) *People v. Krebs (Rex Allan)*, [Automatic Appeal], S099439

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

(6) *People v. Johnson (Joe Edward)*, [Automatic Appeal], S029551

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

WEDNESDAY, SEPTEMBER 4, 2019—9: A.M.

(7) *People v. Liu (Si H.)*, S248130

#18-80 *People v. Liu*, S248130. (B279393; 21 Cal.App.5th 143; Superior Court of Los Angeles County; GA090351.) Petition for review after the Court of Appeal affirmed in part and reversed in part an order denying a petition to recall sentence. This case includes the following issue: For the purpose of determining whether a conviction for theft of access card information in violation of Penal Code section 484e, subdivision (d), is eligible to be reduced to a misdemeanor under Proposition 47 when the information has been used to obtain property, is the value of the access card information limited to the fair market value of the information itself on the black market or can the value of the property

obtained by the use of the information be considered? (See *People v. Romanowski* (2017) 2 Cal.5th 903, 914.)

(8) ***People v. Beck (James David) and Cruz (Gerald Dean), [Automatic Appeal], S029843***

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