



# NEWS RELEASE

Release Number: 53

Release Date: October 19, 2011

JUDICIAL COUNCIL OF  
CALIFORNIA  
ADMINISTRATIVE OFFICE  
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Public Information Office  
455 Golden Gate Avenue  
San Francisco, CA 94102-3688  
[www.courtinfo.ca.gov](http://www.courtinfo.ca.gov)

415-865-7740

Lynn Holton  
Public Information Officer

## California Supreme Court to Hear Redevelopment Case on November 10th

### *Court Approves Live TV Broadcasts of Redevelopment and Brinker Employment Cases*

San Francisco—The California Supreme Court today announced it will hear oral arguments in a case involving the validity of recent legislation that created a new statutory framework for California redevelopment agencies from 9 a.m. to 10 a.m. on Thursday, November 10, 2011. (*California Redevelopment Assn. v. Matosantos*, S194861.)

The arguments will be part of the Supreme Court's three-day calendar session from November 8 to 10 in the Supreme Court Courtroom, Earl Warren Building, Fourth Floor, 350 McAllister Street, San Francisco.

### California Channel Broadcast

The state's high court approved a live statewide TV broadcast of the redevelopment case on California Channel, a public affairs network, [www.calchannel.com](http://www.calchannel.com). The network also will broadcast oral arguments in the first three cases to be heard on Tuesday, November 8, 2011, including *Brinker Restaurant Corp. et al. v. Superior Court of San Diego*, S166350, a closely-watched case involving the duty of employers to provide meal and rest breaks to hourly employees.

Overflow seating for public and press will be provided during all four oral arguments in the Hiram Johnson State Office Building Auditorium, Lower Level, 455 Golden Gate Avenue, San Francisco.

The court's complete calendar is available on the California Courts Web site at [www.courts.ca.gov/documents/snovb11.pdf](http://www.courts.ca.gov/documents/snovb11.pdf). The calendar with case summaries appears below:

(over)

**SUPREME COURT OF CALIFORNIA  
ORAL ARGUMENT CALENDAR  
SAN FRANCISCO SESSION  
NOVEMBER 8, 9, and 10, 2011  
SECOND AMENDED**

*The following 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, NOVEMBER 8, 2011—9:00 A.M.**

**(1) *Brinker Restaurant Corp. et al. v. Superior Court of San Diego County (Hohnbaum et al., Real Parties in Interest), S166350***

#08-157 Brinker Restaurant Corp. et al. v. Superior Court of San Diego County (Hohnbaum et al., Real Parties in Interest), S166350. (D049331; 165 Cal.App.4th 25; Superior Court of San Diego County; GIC834348.) Petition for review after the Court of Appeal granted a petition for peremptory writ of mandate. This case presents issues concerning the proper interpretation of California’s statutes and regulations governing an employer’s duty to provide meal and rest breaks to hourly workers.

**(2) *Rossa et al. v. D. L. Falk Construction, Inc., S183523***

#10-94 Rossa et al. v. D. L. Falk Construction, Inc., S183523. (A125567; 184 Cal.App.4th 438; Superior Court of San Mateo County; 442294.) Petition for review after the Court of Appeal affirmed a postjudgment order in a civil action. This case presents the following issue: Does California Rules of Court, rule 8.278(d)(1)(F), which permits a successful appellant to recover “the cost to obtain a letter of credit as collateral,” allow the recovery of interest paid on sums borrowed to fund a letter of credit used to secure a surety bond?

**(3) *People v. Nelson (Samuel Moses), S181611***

#10-76 People v. Nelson (Samuel Moses), S181611. (G040151; nonpublished opinion; Superior Court of Orange County; 04ZF0072.) Petition for review after the Court of Appeal

affirmed in part and reversed in part a judgment of conviction of criminal offenses. This case presents the following issue: Did the 15-year-old defendant's request to speak with his mother while he was being questioned by police constitute a request to speak with an attorney that required the officer to cease the questioning immediately?

**1:30 P.M.**

(4) *In re C.H., S183737*

#10-102 *In re C.H., S183737*. (B214707; nonpublished opinion; Superior Court of Ventura County; 2005040811.) Petition for review after the Court of Appeal affirmed orders in a juvenile wardship proceeding. This case presents the following issues: (1) Was minor ineligible for commitment to the California Department of Corrections and Rehabilitation, Division of Juvenile Justice, because he was not found to have committed an offense enumerated in Welfare and Institutions Code section 707, subdivision (b), although his offense was enumerated in Penal Code section 290.008, subdivision (c)? (2) Assuming the juvenile court had the statutory authority to order such a commitment, did the court abuse its discretion in doing so on the ground there was no showing that minor would benefit from that commitment and because the court failed to adequately consider alternative placements?

(5) *People v. Enraca (Sonny), S080947* [Automatic Appeal]

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

(6) *People v. Brents (Gary Galen), S093754* [Automatic Appeal]

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

**WEDNESDAY, NOVEMBER 9, 2011—9:00 A.M.**

(7) *People v. Maultsby (William Frederick), S182042 (Cantil-Sakauye, C. J., not participating; Bruiniers, J., assigned justice pro tempore)*

#10-80 *People v. Maultsby (William Frederick), S182042*. (C060532; nonpublished opinion; Superior Court of Yolo County; 08868.) Petition for review after the Court of Appeal dismissed an appeal from a judgment of conviction of a criminal offense. The court

limited review to the following issue: Was defendant required to obtain a certificate of probable cause to raise on appeal a claim that his admissions regarding prior conviction allegations were not knowingly and intelligently made, even though he was convicted by a jury of the underlying offense? (See Pen. Code, § 1237.5; *People v. Fulton* (2009) 179 Cal.App.4th 1230.)

**(8) *O’Neil et al. v. Crane Co. et al.*, S177401**

#09-85 *O’Neil et al. v. Crane Co. et al.*, S177401. (B208225; 177 Cal.App.4th 1019; Superior Court of Los Angeles County; BC360274.) Petition for review after the Court of Appeal reversed the judgment in a civil action. This case presents the following issue: Can the manufacturer of valves and fittings installed on Navy ships, and designed to be used with asbestos packing, gaskets, and insulation, rely on the “component parts” defense or related theories to preclude strict liability for asbestosis injuries years later suffered by seamen on those ships?

**(9) *People v. Ahmed (Amir A.)*, S191020**

#11-39 *People v. Ahmed (Amir A.)*, S191020. (E049932; 191 Cal.App.4th 1407; Superior Court of Riverside County; RIF145548.) Petition for review after the Court of Appeal modified and affirmed a judgment of conviction of a criminal offense. This case presents the following issue: Does Penal Code section 654 apply to enhancements and thereby preclude imposition of the enhancements in this case for both personal use of a firearm and personal infliction of great bodily injury under circumstances involving domestic violence?

**1:30 P.M.**

**(10) *People v. Cravens (Seth)*, S186661**

#10-134 *People v. Cravens (Seth)*, S186661. (D054613; nonpublished opinion; Superior Court of San Diego County; SCD206917.) Petition for review after the Court of Appeal modified and affirmed a judgment of conviction of criminal offenses. This case presents the following issues: (1) Was the evidence sufficient to support defendant’s conviction for second degree murder on a theory of implied malice when defendant, during a lull in a fight between the victim and one of defendant’s friends, knocked the victim unconscious with a

single punch, causing him to fall to the ground, fracture his skull, and die? (2) Did the Court of Appeal properly reduce defendant's murder conviction to voluntary manslaughter on the theory that any unintentional killing without malice that occurs during the commission of a felony assault is voluntary manslaughter?

(11) *People v. Pearson (Kevin Darnell)*, S120750 [Automatic Appeal]

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

(12) *People v. Fuiava (Freddie)*, S055652 [Automatic Appeal]

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

**THURSDAY, NOVEMBER 10, 2011—9:00 A.M.**

(13) *California Redevelopment Assn. et al. v. Matosantos et al.*

Original proceeding. The court issued an order to show cause directing the parties to show cause why the relief prayed for in the petition for writ of mandate should not be granted.

This case involves the validity of recent legislation (Stats. 2011, 1st Ex. Sess. 2011-2012, ch. 5 [Assem. Bill No. 26 X1]; Stats. 2011, 1st Ex. Sess. 2011-2012, ch. 6 [Assem. Bill No. 27 X1]) dissolving and reenacting with changes the statutory framework for redevelopment agencies.