



Supreme Court of California  
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**NEWS RELEASE**

Contact: [Cathal Conneely](mailto:Cathal.Conneely@courts.ca.gov), 415-865-7740

**FOR IMMEDIATE RELEASE**

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## Summary of Cases Accepted and Related Actions for Week of January 12, 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.]*

**#15-01 *926 North Ardmere Avenue v. County of Los Angeles, S222329.*** (B248536; 229 Cal.App.4th 1335; Los Angeles County Superior Court; BC476670.) Petition for review after the Court of Appeal affirmed the judgment in a civil action. This case presents the following issue: Does Revenue and Taxation Code section 11911 authorize a county to impose a documentary transfer tax based on a change in ownership or control of a legal entity that directly or indirectly holds title to real property?

**#15-02 *Solus Industrial Innovations, LLC v. Superior Court, S222314.*** (G047661; 229 Cal.App.4th 1291; Orange County Superior Court; 30-2012-00581868.) Petition for review after the Court of Appeal granted a petition for writ of peremptory mandate. This case presents the following issue: Does federal law preempt a district attorney's attempt to recover civil penalties under California's unfair competition law based on an employer's violation of workplace safety standards that resulted in the deaths of two employees?

**#15-03 *People v. Coleman, S222929.*** (A134124; 230 Cal.App.4th 1379; Contra Costa County Superior Court; 051102375.) Petition for review after the Court of Appeal affirmed in part and reversed in part a judgment of conviction of a criminal offense. The court ordered briefing deferred pending decision in *People v. Superior Court (Johnson)*, S221296 (#14-124), which presents the following issues: (1) Does the prosecution have a duty to review peace officer personnel files to locate material that must be disclosed to the defense under *Brady v. Maryland* (1963) 373 U.S. 83? (2) Does the prosecution have a right to access those files absent a motion under *Pitchess v. Superior Court* (1974) 11

Cal.3d 531? (3) Must the prosecution file a *Pitchess* motion in order to disclose such *Brady* material to the defense?

**#15-04 *People v. Fields*, S222445.** (A135605; 230 Cal.App.4th 184; Contra Costa County Superior Court; 51117753.) Petition for review after the Court of Appeal affirmed in part and reversed in part judgments of conviction of criminal offenses. The court ordered briefing deferred pending decision in *Johnson v. California Department of Justice*, S209167 (#13-39), which includes the following issues: Do the equal protection principles of *People v. Hofsheier* (2006) 37 Cal.4th 1185 bar mandatory sex offender registration for a defendant convicted of oral copulation between a “person over the age of 21 years” and a “person who is under 16 years of age” (Pen. Code, § 288a, subd. (b)(2))? Should the court overrule *People v. Hofsheier* (2006) 37 Cal.4th 1185?

**#15-05 *Network Capital Funding Corp. v. Papke*, S222638.** (G049172; 23 Cal.App.4th 503; Orange County Superior Court; 30-2013-00659735.) Petition for review after the Court of Appeal affirmed an order denying a petition to compel arbitration in a civil action. The court ordered briefing deferred pending decision in *Sandquist v. Lebo Automotive, Inc.*, S220812 (#14-127), which presents the following issue: Does the trial court or the arbitrator decide whether an arbitration agreement provides for class arbitration if the agreement itself is silent on the issue?

## DISPOSITIONS

Review in the following cases, which were granted and held for *Teal v. Superior Court* (2014) 60 Cal.4th 595, was dismissed:

**#13-64 *People v. Hurtado*, S212017.**

**#13-113 *People v. Leggett*, S214264.**

**#14-08 *People v. Wortham*, S214844.**

**#14-75 *People v. Haynes*, S218982.**

## STATUS

***People v. Sivongxxay*, S078895.** The court directed the parties in this automatic appeal to submit simultaneous letter briefs discussing the following question: If the trial court fails to obtain a capital defendant’s separate waiver of his right to a jury determination of the special circumstance allegation, does that failure compel automatic reversal of the special circumstance finding? (See *Ring v. Arizona* (2002) 536 U.S. 584; *Neder v. United States* (1999) 527 U.S. 1; *People v. Sandoval* (2007) 41 Cal.4th 825.)

**#13-89 *Williams v. Chino Valley Independent Fire Dist.*, S213100.** The court directed the parties to file supplemental briefs discussing the significance for this case of Assembly Bill No. 1915 (1977–1978 Reg. Sess.) and its legislative history.

**#14-50 *In re Martinez*, S216922.** In this case in which briefing was previously deferred pending further order of the court and decision in *Teal v. Superior Court* (2014) 60 Cal.4th 595, the court ordered action deferred pending decision in *Braziel v. Superior Court*, S218503 (#14-86), and *People v. Machado*, S219819 (#14-88), which present the following issue: Is an inmate serving an indeterminate term of life imprisonment under the Three Strikes Law (Pen. Code, §§ 667, subds. (b)-(j), 1170.12), which was imposed for a conviction of an offense that is *not* a serious or violent felony, eligible for resentencing on that conviction under the Three Strikes Reform Act if the inmate is also serving an indeterminate term of life imprisonment under the Three Strikes Law for a conviction of an offense that *is* a serious or violent felony?

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*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.*