



Supreme Court of California  
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**NEWS RELEASE**

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**FOR IMMEDIATE RELEASE**

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## Summary of Cases Accepted and Related Actions for Week of January 13, 2014

*[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.]*

**#14-01 *Friends of the College of San Mateo Gardens v. San Mateo County Community College Dist., S214061.*** (A135892; nonpublished opinion; San Mateo County Superior Court; CIV508656.) Petition for review after the Court of Appeal affirmed the judgment in an action for writ of administrative mandate. This case presents the following issue: When a lead agency performs a subsequent environmental review and prepares a subsequent environmental impact report, a subsequent negative declaration, or an addendum, is the agency's decision reviewed under a substantial evidence standard of review (*Mani Brothers Real Estate Group v. City of Los Angeles* (2007) 153 Cal.App.4th 1385), or is the agency's decision subject to a threshold determination whether the modification of the project constitutes a "new project altogether," as a matter of law (*Save our Neighborhood v. Lishman* (2006) 140 Cal.App.4th 1288)?

**#14-02 *Rashidi v. Moser, S214430.*** (B237476; 219 Cal.App.4th 1170; Los Angeles County Superior Court; BC392082.) Petition for review after the Court of Appeal modified and affirmed the judgment in a civil action. The court limited review to the following issue: If a jury awards the plaintiff in a medical malpractice action non-economic damages against a healthcare provider defendant, does Civil Code section 3333.2 entitle that defendant to a setoff based on the amount of a pretrial settlement entered into by another healthcare provider that is attributable to non-economic losses or does the statutory rule that liability for non-economic damages is several only (not joint and several) bar such a setoff?

**#14-03 *James v. State of California, S214385.*** (F065003; 219 Cal.App.4th 1265; Tulare County Superior Court; VCU241117.) Petition for review after the Court of Appeal reversed the judgment in an action for writ of administrative mandate. The court ordered briefing deferred pending decision in United States Supreme Court's consideration and disposition of *United States v. Castleman*, No. 12-1371, cert. granted Oct. 1, 2013, \_\_ U.S. \_\_ [134 S.Ct. 49, 186 L.Ed.2d 962], which concerns whether a Tennessee conviction for misdemeanor domestic assault constitutes a "misdemeanor crime of domestic violence" for purposes of the federal Gun Control Act of 1968 (18 U.S.C. § 922(g)(9)).

**#14-04 *People v. Lester, S214648.*** (E055009; 220 Cal.App.4th 291; San Bernardino County Superior Court; FSB1002367.) Review on the court's own motion after the Court of Appeal modified and affirmed a judgment of conviction of criminal offenses. The court ordered briefing deferred pending decision in *People v. Conley*, S211275 (#13-70), which presents the following issue: Does the Three Strikes Reform Act of 2012 (Pen. Code, §§ 667, subd. (e)(2)(C), 1170.12, subd. (c)(2)(C)), which reduces punishment for certain non-violent third-strike offenders, apply retroactively to a defendant who was sentenced before the Act's effective date but whose judgment was not final until after that date?

**#14-05 *People v. Reece, S214573.*** (H038356; 220 Cal.App.4th 204; Monterey County Superior Court; SS101428A, SS110117A.) Petition for review after the Court of Appeal affirmed a judgment of conviction of a criminal offense. The court ordered briefing deferred pending decision in *People v. Scott*, S211670 (#13-62), which presents the following issue: Was defendant entitled to a county jail commitment under the Criminal Justice Realignment Act of 2011 when the trial court imposed and suspended execution of a prison sentence before the Act's effective date, but revoked probation and ordered execution of the sentence after the Act went into effect?

**#14-06 *People v. Valenzuela, S214485.*** (H038658; 220 Cal.App.4th 159; Santa Clara County Superior Court; CC818758.) Petition for review after the Court of Appeal affirmed a judgment of conviction of criminal offenses. The court ordered briefing deferred pending decision in *People v. Aguilar*, S213571 (#13-100), and *People v. Trujillo*, S213687 (#13-104), which present issues concerning whether the failure to object to an order requiring the payment of certain fees or costs forfeits the claim on appeal that the trial court erred by failing to make a finding of the defendant's ability to pay the amount in question.

**#14-07 *People v. Watson, S214682.*** (D061668; 220 Cal.App.4th 313; Imperial County Superior Court; JCF21457.) Petition for review after the Court of Appeal affirmed a judgment of conviction of a criminal offense. The court ordered briefing deferred pending decision in *People v. Ford*, S212940 (#13-92), which presents the following

issue: Did the trial court have jurisdiction to award restitution to the victim although defendant's probationary term had expired nine days earlier?

**#14-08 *People v. Wortham*, S214844.** (A138769; 220 Cal.App.4th 1018; Alameda County Superior Court; 137640.) Petition for review after the Court of Appeal affirmed an order denying a petition to recall sentence. The court ordered briefing deferred pending decision in *Teal v. Superior Court*, S211708 (#13-63), which presents the following issue: Did defendant have the right to appeal the trial court's denial of his petition to recall his sentence under Penal Code section 1170.126, part of the Three Strikes Reform Act of 2012, when the trial court held he did not meet the threshold eligibility requirements for resentencing?

## STATUS

**#13-108 *Nickerson v. Stonebridge Life Ins. Co.*, S213873.** The court ordered the issues to be briefed and argued limited to the following issue: Is an award of attorney fees under *Brandt v. Superior Court* (1985) 37 Cal.3d 813 properly included as compensatory damages where the fees are awarded by the jury, but excluded from compensatory damages when they are awarded by the trial court after the jury has rendered its verdict?

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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.*