



Supreme Court of California
350 McAllister Street, San Francisco, CA 94102-4797
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NEWS RELEASE

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

FOR IMMEDIATE RELEASE

May 18, 2018

Summary of Cases Accepted and Related Actions During Week of May 14, 2018

[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.]

#18-67 *Gonzalez v. Mathis*, S247677. (B272344; 20 Cal.App.5th 257; Los Angeles County Superior Court; BC542498.) Petition for review after the Court of Appeal reversed the judgment in a civil action. This case includes the following issue: Can a homeowner who hires an independent contractor be held liable in tort for injury sustained by the contractor's employee when the homeowner does not retain control over the worksite and the hazard causing the injury was known to the contractor?

#18-68 *People v. Anderson*, S248208. (B282516; nonpublished opinion; Los Angeles County Superior Court; GA098719.) Petition for review after the Court of Appeal modified and affirmed a judgment of conviction of a criminal offense. The court ordered briefing deferred pending decision in *People v. Ruiz*, S235556 (#16-312), which presents the following issue: May a trial court properly impose a criminal laboratory analysis fee (Health & Saf. Code, § 11372.5, subd. (a)) and a drug program fee (Health & Saf. Code, § 11372.7, subd. (a)) based on a defendant's conviction for conspiracy to commit certain drug offenses?

#18-69 *Duchan v. Los Angeles Unified School Dist.*, S247573. (B279524; nonpublished opinion; Los Angeles County Superior Court; BC591524.) Petition for review after the Court of Appeal affirmed an order granting in part a special motion to strike in a civil action. The court ordered briefing deferred pending decision in *Wilson v. Cable News Network, Inc.*, S239686 (#17-83), which presents the following issue: In deciding whether an employee's claims for discrimination, retaliation, wrongful termination, and defamation arise from protected activity for purposes of a special motion to strike (Code of Civ. Proc., § 425.16), what is the relevance of an allegation that the employer acted with a discriminatory or retaliatory motive?

#18-70 *People v. Esquivel, S247832.* (B269545; nonpublished opinion; Los Angeles County Superior Court; SA084395.) Petition for review after the Court of Appeal remanded and affirmed a judgment of conviction of criminal offenses. The court ordered briefing deferred pending decision in *People v. Canizales, S221958* (#14-134), which presents the following issue: Was the jury properly instructed on the “kill zone” theory of attempted murder?

#18-71 *People v. McDuffy, S247616.* (B277418; nonpublished opinion; Los Angeles County Superior Court; TA037979.) Petition for review after the Court of Appeal dismissed as moot an appeal from a judgment of conviction of criminal offenses. The court ordered briefing deferred pending decision in *People v. Mendoza, S238032* (#17-32) and *People v. Padilla, S239454* (#17-34), which present issues as to the requirements under *Montgomery v. Louisiana* (2016) 577 U.S. ___, 136 S.Ct. 718, 193 L.Ed.2d599, and *Miller v. Alabama* (2012) 567 U.S. ___, 132 S.Ct. 2455, 183 L.Ed.2d 407, for imposing a sentence of life imprisonment without possibility of parole on a juvenile offender.

#18-72 *People v. Wallace, S247488.* (C082750; nonpublished opinion; Sacramento County Superior Court; 15F07322.) 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. Bullard, S239488* (#17-64), which presents the following issue: Does equal protection or the avoidance of absurd consequences require that misdemeanor sentencing under Penal Code sections 490.2 and 1170.18 extend not only to those convicted of violating Vehicle Code section 10851 by theft, but also to those convicted for taking a vehicle without the intent to permanently deprive the owner of possession? (See *People v. Page* (2017) 3 Cal.5th 1175, 1188, fn. 5.)

DISPOSITIONS

The following case was transferred for reconsideration in light of *People v. Gallardo* (2017) 4 Cal.5th 120:

#16-100 <i>People v. Driver, S232331.</i>	(E059681; nonpublished opinion; San Bernardino County Superior Court; FSB1201484)
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Review in the following cases was dismissed in light of *People v. Frierson* (2017) 4 Cal.5th 225:

#16-411 <i>People v. Newman, S237491.</i>	(B266704; 2 Cal.App.5th 718; Los Angeles County Superior Court; NA047807)
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#17-73 <i>People v. Westerfield</i>, S239197.	(B269019; nonpublished opinion; Los Angeles County Superior Court; KA043390)
#17-241 <i>People v. Bryant</i>, S242249.	(B270193; nonpublished opinion; Los Angeles County Superior Court; YA042689)
#17-254 <i>People v. Valdez</i>, S242240.	(C077882; 10 Cal.App.5th 1338; Sacramento County Superior Court; 00F00630)

Review in the following cases was dismissed in light of *People v. Frierson* (2017) 4 Cal.5th 225 and *People v. Estrada* (2017) 3 Cal.5th 661::

#17-95 <i>People v. Rodriguez</i>, S239432.	(B266674; nonpublished opinion; Los Angeles County Superior Court; KA037343)
#17-123 <i>People v. Hammonds</i>, S240312.	(B268411; nonpublished opinion; Los Angeles County Superior Court; BA115920)
#17-144 <i>People v. Berry</i>, S241107.	(B264757; nonpublished opinion; Los Angeles County Superior Court; PA027446)
#17-145 <i>People v. Stefflre</i>, S241017.	(B267915; nonpublished opinion; Los Angeles County Superior Court; LA017901)
#17-172 <i>People v. Haro</i>, S241204.	(B268143; nonpublished opinion; Los Angeles County Superior Court; KA056067)

The following case was transferred for reconsideration in light of *People v. Frierson* (2017) 4 Cal.5th 225 and *People v. Estrada* (2017) 3 Cal.5th 661::

#17-112 <i>People v. Gann</i>, S239935.	(C077898; nonpublished opinion; Sacramento County Superior Court; 94F07904, 95F02375)
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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.