



Supreme Court of California
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NEWS RELEASE

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FOR IMMEDIATE RELEASE

September 14, 2018

Summary of Cases Accepted and Related Actions During Week of September 10, 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.]

#18-120 *People v. Veamatahau*, S249872. (A150689; 24 Cal.App.5th 68; San Mateo County Superior Court; SF398877.) Petition for review after the Court of Appeal affirmed a judgment of conviction of criminal offenses. The court limited review to the following issues: (1) Did the prosecution's expert witness relate inadmissible case-specific hearsay to the jury by using a drug database to identify the chemical composition of the drug defendant possessed? (2) Did substantial evidence support defendant's conviction for possession of a controlled substance (Health & Saf. Code, § 11375, subd. (b)(2))?

#18-121 *People v. Azofeifa*, S250411. (C085370; nonpublished opinion; Butte County Superior Court; 17CF00350.) 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. Calavano*, S242474 (#17-247), which presents the following issue: Did the trial court abuse its discretion by ordering defendant to pay restitution to cover the cost of the victim's increased residential security measures, although defendant was not convicted of committing a violent felony? (See Pen. Code, § 1202.4(f)(3)(J).)

#18-122 *People v. Balov*, S249708. (D073018; 23 Cal.App.5th 696; San Diego County Superior Court; CA270404.) Petition for review after the Court of Appeal affirmed an order denying a motion to suppress evidence. The court ordered briefing deferred pending decision in *People v. Arredondo*, S233582 (#16-196), which presents the following issues: (1) Did law enforcement violate the Fourth Amendment by taking a warrantless blood sample from defendant while he was unconscious, or was the search and seizure valid because defendant expressly consented to chemical testing when he

applied for a driver's license (see Veh. Code, § 13384) or because defendant was "deemed to have given his consent" under California's implied consent law (Veh. Code, § 23612)? (2) Did the People forfeit their claim that defendant expressly consented? (3) If the warrantless blood sample was unreasonable, does the good faith exception to the exclusionary rule apply because law enforcement reasonably relied on Vehicle Code section 23612 in securing the sample?

#18-123 *People v. Bussey, S250152.* (C079797; 24 Cal.App.5th 1056; Placer County Superior Court; 62135055.) Petition for review after the Court of Appeal remanded in part and otherwise affirmed a judgment of conviction of criminal offenses. The court ordered briefing deferred pending decision in *People v. Orozco*, S249495 (#18-108), which presents the following issue: Can a felony conviction for receiving a stolen vehicle in violation of Penal Code section 496d be reclassified as a misdemeanor under Proposition 47 in light of Penal Code section 496, subdivision (a), which provides that receiving other stolen property is a misdemeanor when the value of the property does not exceed \$950?

#18-124 *People v. Gilbert, S250388.* (E068495; nonpublished opinion; San Bernardino County Superior Court; FWV1600482.) 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 *In re Ricardo P.*, S230923 (#16-41) and *People v. Trujillo*, S244650 (#17-335), which present issues concerning the imposition of an "electronics search condition" of probation if the devices subject to the condition had no relationship to the crime or crimes committed and use of the devices would not itself involve criminal conduct, but access to the devices might facilitate supervision of the probationer.

#18-125 *People v Goins, S249681.* (B281831; nonpublished opinion; Los Angeles County Superior Court; GA095841.) 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. Canizales*, S221958 (#14-134), which presents the following issue: Was the jury properly instructed on the "kill zone" theory of attempted murder?

#18-126 *Hipsher v. Los Angeles County Employees Retirement Assn., S250244.* (B276486; 24 Cal.App.5th 740, mod. 25 Cal.App.5th 277c; Los Angeles County Superior Court; BS153372.) Petition for review after the Court of Appeal modified and affirmed the judgment in an action for writ of administrative mandate. The court ordered briefing deferred pending decision in *Alameda County Deputy Sheriff's Assn. v. Alameda County Employees' Retirement Assn.*, S247095 (#18-49), which includes the following issue: Did statutory amendments to the County Employees' Retirement Law (Gov. Code, § 31450 et seq.) made by the Public Employees' Pension Reform Act of 2013 (Gov. Code, § 7522 et seq.) reduce the scope of the pre-existing definition of pensionable

compensation and thereby impair employees' vested rights protected by the contracts clauses of the state and federal Constitutions?

DISPOSITIONS

Review in the following case was dismissed in light of *People v. Adelman* (2018) 4 Cal.5th 1071:

#16-388 <i>People v. Curry</i> , S237037	(A145922; 1 Cal.App.5th 1073; Alameda County Superior Court; C171042)
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Review in the following case was dismissed in light of *People v. Gallardo* (2018) 4 Cal.5th 120:

#17-69 <i>People v. Learnard</i> , S238797	(B260824; 4 Cal.App.5th 1117; Los Angeles County Superior Court; YA088533)
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Review in the following case was dismissed in light of *Facebook v. Superior Court* (2018) 4 Cal.5th 1245:

#17-25 <i>In re Q.H.</i> , S238077	(A142771; nonpublished opinion; San Francisco County Superior Court; JW126271)
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STATUS

#18-65 *In re Webb*, S247074. The court directed the parties to file supplemental briefs addressing the following question: What effect, if any, does Senate Bill No. 10 (2017-2018 Reg. Sess.) have on the resolution of the issues presented by this case?

#18-73 *In re Humphrey*, S247278. The court directed the parties to file supplemental briefs addressing the following question: What effect, if any, does Senate Bill No. 10 (2017-2018 Reg. Sess.) have on the resolution of the issues presented by this case?

#18-74 *In re White*, S248125. The court directed the parties to file supplemental briefs addressing the following question: What effect, if any, does Senate Bill No. 10 (2017-2018 Reg. Sess.) have on the resolution of the issues presented by this case?

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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.