



Supreme Court of California  
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**NEWS RELEASE**

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**FOR IMMEDIATE RELEASE**

September 27, 2019

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## Summary of Cases Accepted and Related Actions During Week of September 23, 2019

*[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.]*

**#19-154 *People v. Spencer*, S257540.** (E070520; nonpublished opinion; Riverside County Superior Court; INF1702163.) Petition for review after the Court of Appeal conditionally reversed a judgment of conviction of criminal offenses.

**#19-155 *People v. Wells*, S257599.** (D073814; nonpublished opinion; San Diego County Superior Court; SCD272957.) Petition for review after the Court of Appeal conditionally reversed a judgment of conviction of criminal offenses.

The court ordered briefing in *Spencer* and *Wells* deferred pending decision in *People v. Frahs*, S252220 (#18-175), which presents the following issues: (1) Does Penal Code section 1001.36 apply retroactively to all cases in which the judgment is not yet final? (2) Did the Court of Appeal err by remanding for a determination of defendant's eligibility under Penal Code section 1001.36?

**#19-156 *People v. Williams*, S257538.** (B290506; 37 Cal.App.5th 602; Los Angeles County Superior Court; YA095655.) Petition for review after the Court of Appeal dismissed an appeal from a judgment of conviction of criminal offenses. The court ordered briefing deferred pending decision in *People v. Kelly*, S255145 (#19-62), and *People v. Stamps*, S255843 (#19-63), which present the following issue: Is a certificate of probable cause required for a defendant to challenge a negotiated sentence based on a subsequent ameliorative, retroactive change in the law?

**DISPOSITIONS**

*People v. Magallon, S177281*, an automatic appeal, was abated upon the death of the appellant.

The following cases were transferred for reconsideration in light of *In re Ricardo P.* (2019) 7 Cal.5th 1113.

<b>#16-66 <i>In re Alejandro R., S232240.</i></b>	(A144398; 243 Cal.App.4th 556; Alameda County Superior Court; SJ11017351)
<b>#16-84 <i>In re J.R., S232287.</i></b>	(A143163; nonpublished opinion; Alameda County Superior Court; SJ121984205)
<b>#16-231 <i>In re A.D., S234829.</i></b>	(A146136; nonpublished opinion; Alameda County Superior Court; SJ152500101)
<b>#16-270 <i>In re A.C., S235565.</i></b>	(A145615; nonpublished opinion; Alameda County Superior Court; SJ1502494601)
<b>#16-181 <i>In re A.S., S233932.</i></b>	(A144487; 245 Cal.App.4th 758, Alameda County Superior Court; SJ14024003)
<b>#16-359 <i>In re J.E., S236628.</i></b>	(A145399; 1 Cal.App.5th 795; Alameda County Superior Court; SJ1502416901)
<b>#17-47 <i>People v. Hernandez, S238460.</i></b>	(H042275; nonpublished opinion; Santa Clara County Superior Court; C1356313)
<b>#17-77 <i>In re D.W., S239644.</i></b>	(A146790; nonpublished opinion; Contra Costa County Superior Court; J15-01018)
<b>#17-126 <i>In re J.R., S240385.</i></b>	(A147835; nonpublished opinion; San Mateo County Superior Court; 84914)
<b>#17-146 <i>In re Carlos H., S241067.</i></b>	(A148154; nonpublished opinion; San Francisco County Superior Court; JW12-6397)
<b>#17-203 <i>People v. Bryant, S241937.</i></b>	(B271300; 10 Cal.App.5th 396, mod. 11 Cal.App.5th 343a; GA094777)
<b>#17-218 <i>In re Jose A., S242340.</i></b>	(D070276; nonpublished opinion; San Diego County Superior Court; J236748)
<b>#17-219 <i>People v. Lopez, S242188.</i></b>	(H043659; nonpublished opinion; Santa Clara County Superior Court; C1527682)
<b>#17-234 <i>People v. Bessette, S242198.</i></b>	(D069633; nonpublished opinion; San Diego County Superior Court; SCE352903)
<b>#17-235 <i>People v. Castro, S242687.</i></b>	(D070716; nonpublished opinion; San Diego County Superior Court; SCD266777)
<b>#17-283 <i>People v. Finley, S243792.</i></b>	(H043668; nonpublished opinion; Santa Clara County Superior Court; C1508768)
<b>#17-284 <i>In re J.L., S243234.</i></b>	(H043273; nonpublished opinion; Santa Clara County Superior Court; JV41105)

<b>#17-287 <i>In re Kyle C.</i>, S243897.</b>	(D071318; nonpublished opinion; San Diego County Superior Court; J238452)
<b>#17-304 <i>People v. Ermin</i>, S243864.</b>	(H043777; nonpublished opinion; Santa Clara County Superior Court; B1683779)
<b>#17-301 <i>In re K.B.</i>, S244301.</b>	(A149813; nonpublished opinion; Napa County Superior Court; JV18248)
<b>#17-333 <i>People v. Carter</i>, S245074.</b>	(D071357; nonpublished opinion; San Diego County Superior Court; SCD268190)
<b>#17-334 <i>People v. Henriquez</i>, S245035.</b>	(H041840; nonpublished opinion; Santa Clara County Superior Court; C1351219)
<b>#17-335 <i>People v. Trujillo</i>, S244650.</b>	(D071715; 15 Cal.App.5th 574; San Diego County Superior Court; SCE364802, SCE364544)
<b>#18-03 <i>People v. Barnes</i>, S245561.</b>	(D071301; nonpublished opinion; San Diego County Superior Court; SCD257049)
<b>#18-25 <i>People v. Cabrera</i>, S245841.</b>	(H043472; nonpublished opinion; Santa Clara County Superior Court; C1514191)
<b>#18-54 <i>People v. Boatwright</i>, S246944.</b>	(H044347; nonpublished opinion; Santa Clara County Superior Court; C1640087)
<b>#18-55 <i>People v. Cavalier</i>, S247197.</b>	(D071517; nonpublished opinion; San Diego County Superior Court; SCN350362)
<b>#18-56 <i>People v. Little</i>, S247279.</b>	(D071414; nonpublished opinion; San Diego County Superior Court; SCD268739)
<b>#18-57 <i>People v. Lopez</i>, S246632.</b>	(H043323; nonpublished opinion; Santa Clara County Superior Court; C1526411)
<b>#18-66 <i>People v. Acosta</i>, S247656.</b>	(D071575; 20 Cal.App.5th 225; San Diego County Superior Court; SCD269653)
<b>#18-82 <i>In re C.R.</i> S248405.</b>	(A150666; nonpublished opinion; Napa County Superior Court; JV18241)

Review in the following case, which was granted and held for *In re Ricardo P.* (2019) 7 Cal.5th 1113.

<b>#18-62 <i>People v. Lynch</i>, S246990.</b>	(D071882; nonpublished opinion; San Diego County Superior Court; SCD265745)
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The following case was transferred for reconsideration in light of *Wilson v. Cable News Network, Inc.* (2019) 7 Cal.5th 871 and *FilmOn.com Inc. v. DoubleVerify Inc.* (2019) 7 Cal.5th 133:

<b>#17-147 Daniel v. Wayans, S240704.</b>	(B261814, B263950; 8 Cal.App.5th 367; Los Angeles County Superior Court; BC555610)
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Review in the following cases, which were granted and held for *Wilson v. Cable News Network, Inc.* (2019) 7 Cal.5th 871, was dismissed:

<b>#17-259 San Diegans for Open Government v. San Diego State University Research Foundation, S242529.</b>	(D069189; 13 Cal.App.5th 76; San Diego County Superior Court; 37-2015-00011951-CU-MC-CTL)
<b>#18-69 Duchan v. Los Angeles Unified School Dist., S247573.</b>	(B279524; nonpublished opinion; Los Angeles County Superior Court; BC591524)
<b>#19-45 Symmonds v. Mahoney, S254646.</b>	(B283529; 31 Cal.App.5th 1096; Los Angeles County Superior Court; BC620563)

Review in the following case, which was granted and held for *Wilson v. Cable News Network, Inc.* (2019) 7 Cal.5th 871, was dismissed in light of the parties' settlement:

<b>#17-312 Esquith v. Los Angeles Unified School Dist., S244026.</b>	(B276432; nonpublished opinion; Los Angeles County Superior Court; BC591067)
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The following case was transferred for reconsideration in light of *Wilson v. Cable News Network, Inc.* (2019) 7 Cal.5th 871:

<b>#19-40 Rall v. Tribune 365 LLC, S254282.</b>	(B284566; 31 Cal.App.5th 479; Los Angeles County Superior Court; BC613703)
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## STATUS

**People v. Fayed, S198132.** The court directed the parties in this automatic appeal to submit letter briefs addressing defense counsel's compliance with any and all Rules of Professional Conduct as implicated by former prosecutor Alan Jackson's affiliation with counsel's law firm. (See, e.g., Code Civ. Proc., § 128; Rules Prof. Conduct, rules 1.7 & 1.11; Bus. & Prof. Code, § 6131.)

**#17-311 Bonni v. St. Joseph Health System, S244148.** The court ordered briefing in this case, in which briefing was previously deferred pending decision in *Wilson v. Cable News Network, Inc.* (2019) 7 Cal.5th 871. This case presents the following issue: To what extent, if any, is the initiation and conduct of medical peer review proceedings protected activity under the anti-SLAPP statute?

**#18-22 *Melamed v. Cedars-Sinai Medical Center*, S245420.** In this case, in which briefing was previously deferred pending decision in *Wilson v. Cable News Network, Inc.* (2019) 7 Cal.5th 871, the court ordered briefing deferred pending decision in *Bonni v. St. Joseph Health System*, S244148 (#17-311), which presents the following issue: To what extent, if any, is the initiation and conduct of medical peer review proceedings protected activity under the anti-SLAPP statute?

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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.*