



Supreme Court of California
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NEWS RELEASE

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FOR IMMEDIATE RELEASE

November 17, 2017

Summary of Cases Accepted and Related Actions During Week of November 13, 2017

[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.]

#17-315 *People v. Arredondo, S244166.* (E064206; 13 Cal.App.5th 950; Riverside County Superior Court; RIF1310007, RIF1403693.) Petition for review after the Court of Appeal remanded for resentencing and otherwise affirmed a judgment of conviction of criminal offenses. The court limited review to the following issue: Was defendant's right of confrontation violated when he was unable to see witnesses as they testified because the trial court allowed a computer monitor on the witness stand to be raised by several inches to allow them to testify without seeing him when they testified in his presence?

#17-316 *FilmOn.com v. Doubleverify, Inc., S244157.* (B264074; 13 Cal.App.5th 707; Los Angeles County Superior Court; BC561987.) Petition for review after the Court of Appeal affirmed an order granting a special motion to strike in a civil action. This case presents the following issue: In determining whether challenged activity furthers the exercise of constitutional free speech rights on a matter of public interest within the meaning of Civil Code section 425.16, should a court take into consideration the commercial nature of that speech, including the identity of the speaker, the identity of the audience and the intended purpose of the speech?

#17-317 *People v. Hicks, S244616.* (F071016; nonpublished opinion; Los Angeles County Superior Court; BF155264A.) Petition for review after the Court of Appeal affirmed in part and reversed in part a judgment of conviction of criminal offenses. The court ordered briefing deferred pending decision in *People v. Valenzuela, S232900* (#16-97), which presents the following issue: Is a defendant eligible for resentencing on the penalty enhancement for serving a prior prison term on a felony conviction after the

superior court has reclassified the underlying felony as a misdemeanor under the provisions of Proposition 47?

#17-318 *People v. Lewis, S244211.* (A147849; nonpublished opinion; Alameda County Superior Court; C163699A.) 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. Contreras, S224564* (#15-46), which presents the following issue: Is a total sentence of 50 years to life or 58 years to life the functional equivalent of life without the possibility of parole for juvenile offenders?

#17-319 *People v. Lopez, S244149.* (A129664; nonpublished opinion; Sonoma County Superior Court; SCR538745.) 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. Soto, S236164* (#16-343), which presents the following issues: (1) Did the trial court err in instructing the jury with CALCRIM No. 625? (2) If so, was the error prejudicial?

#17-320 *In re Palmer, S244139.* (A147177; 13 Cal.App.5th 795.) Petition for review after the Court of Appeal granted relief on a petition for writ of habeas corpus. The court ordered briefing deferred pending decision in *In re Butler, S237014* (#16-394), which presents the following issue: Should the Board of Parole Hearings be relieved of its obligations arising from a 2013 settlement to continue calculating base terms for life prisoners and to promulgate regulations for doing so in light of the 2016 statutory reforms to the parole suitability and release date scheme for life prisoners, which now mandate release on parole upon a finding of parole suitability?

#17-321 *People v. Shary, S244494.* (B280571; nonpublished opinion; Los Angeles County Superior Court; MA068221.) 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 *People v. Page, S230793* (#16-28), which presents the following issue: Does Proposition 47 (“the Safe Neighborhoods and Schools Act”) apply to the offense of unlawful taking or driving a vehicle (Veh. Code, § 10851), because it is a lesser included offense of Penal Code section 487, subdivision (d), and that offense is eligible for resentencing to a misdemeanor under Penal Code sections 490.2 and 1170.18?

#17-322 *In re T.M., S244545.* (H043964; nonpublished opinion; Santa Clara County Superior Court; JV41005.) Petition for review after the Court of Appeal affirmed orders in a juvenile wardship proceeding. The court ordered briefing deferred pending decision in *In re Ricardo P., S230923* (#16-41), which presents the following issue: Did the trial court err imposing an “electronics search condition” on minor as a condition of his probation when it had no relationship to the crimes he committed but was justified on

appeal as reasonably related to future criminality under *People v. Olguin* (2008) 45 Cal.4th 375 because it would facilitate his supervision?

DISPOSITIONS

Review in the following case was dismissed in light of *People v. Valencia* (2017) 3 Cal.5th 347:

#17-13 <i>People v. Buford</i> , S238790	(F069936; 4 Cal.App.5th 886; Kern County Superior Court; SC064734A)
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The following case was transferred for reconsideration in light of *People v. Valencia* (2017) 3 Cal.5th 347:

#16-304 <i>People v. Cordova</i> , S236179	(H041050; 248 Cal.App.4th 543; Santa Clara County Superior Court; 185632)
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Review in the following cases was dismissed as moot (see Sen. Bill No. 725 (2017-2018 Reg. Sess.) Stats. 2017, ch. 179; Pen. Code § 1001.80, subd. (l)):

#16-404 <i>People v. VanVleck</i> , S237219	(D069893, D069894; 2 Cal.App.5th 355; San Diego County Superior Court; CA264780, CA264781)
#17-131 <i>People v. Superior Court (Cook)</i> , S240363	(B267726; nonpublished opinion; Los Angeles County Superior Court ; 6TR01907)

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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.