



NEWS RELEASE

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Summary of Cases Accepted During the Week of November 28, 2011

[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.]

#11-134 *El-Attar v. Hollywood Presbyterian Medical Center, S196830.* (B209056; 198 Cal.App.4th 664, mod. 198 Cal.App.4th 1234c; Los Angeles County Superior Court; BS105623.) Petition for review after the Court of Appeal reversed the judgment in an action for writ of administrative mandate. This case presents the following issues: (1) Could the executive committee of the hospital medical staff delegate to the hospital governing board its authority to select the hearing officer and the physician members of the peer review panel to hear a physician's challenge to the governing board's denial of his application for reappointment to the hospital medical staff? (2) If the hospital by-laws did not permit this procedure, was the peer review panel selected by the governing board "improperly constituted," requiring a new peer review procedure conducted by a new hearing panel selected by the executive committee?

#11-135 *People v. Armstrong, S196985.* (C063362; nonpublished opinion; Sacramento County Superior Court; 08F05656.) Petition for review after the Court of Appeal reversed a judgment of conviction of a criminal offense and remanded for further proceedings. The court ordered briefing deferred pending decision in *People v. Favor, S189317* (#11-24), which presents the following issue: In order for an aider and abettor to be convicted of attempted willful, deliberate and premeditated murder by application of the natural and probable consequences doctrine, must a premeditated attempt to murder have been a reasonably foreseeable consequence of the target offense or offenses, or is it sufficient that an attempted murder would be reasonably foreseeable?

#11-136 *People v. Garcia*, S196711. (B227137; nonpublished opinion; Los Angeles County Superior Court; BA373574.) Petition for review after the Court of Appeal remanded for resentencing and otherwise affirmed a judgment of conviction of a criminal offense. The court ordered briefing deferred pending decision in *People v. Lara*, S192784 (#11-53), which presents the following issue: Does a trial court have discretion to dismiss or strike a prior serious felony conviction under Penal Code section 1385 in order to award the defendant additional presentence credits under Penal Code section 4019?

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