SUPREME COURT OF CALIFORNIA
ORAL ARGUMENT CALENDAR
SACRAMENTO SESSION
FEBRUARY 3, 2009

The following cases are placed upon the calendar of the Supreme Court for oral argument at its courtroom in the Stanley Mosk Library and Courts Building, 914 Capitol Mall, Sacramento, California, on Tuesday, February 3, 2009.

TUESDAY, FEBRUARY 3, 2009—9:00 A.M.

(1)	S140911	Vargas v. City of Salinas
(2)	S159133	People v. Bonnetta (Thomas) et al.
(3)	S143929	Silverbrand v. County of Los Angeles et al.

2:00 P.M.

(4)	S145087	Sentry Select Ins. Co. v. Fidelity & Guaranty Ins. Co.
(5)	S160736	People v. Lawrence (Ringo)
(6)	S064769	People v. Hawthorne (Carlos) [Automatic Appeal]

GEORGE
Chief Justice

If exhibits are to be transmitted to this court, counsel must apply to the court for permission. (See Cal. Rules of Court, rule 8.224(c).)

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The following case summaries are issued to inform the public and the press of cases that the Supreme Court has scheduled for oral argument and of their general subject matter. Generally, the descriptions set out below are reproduced from the original news release issued when review in each of these matters was granted and are provided for the convenience of the public and the press. The descriptions do not necessarily reflect the view of the court or define the specific issues that will be addressed by the court.

TUESDAY, FEBRUARY 3, 2009—9:00 A.M.

(1) ***Vargas v. City of Salinas, S140911***

#06-48 Vargas v. City of Salinas, S140911. (H027693; 135 Cal.App.4th 361; Superior Court of Monterey County; M61489.) Petition for review after the Court of Appeal affirmed an order granting a special motion to strike in a civil action. This case includes the following issue: What is the proper standard for determining when a city has unlawfully expended public funds on improper partisan election campaigning? (See *Stanson v. Mott* (1976) 17 Cal.3d 206.)

(2) ***People v. Bonnetta (Thomas) et al., S159133***

#08-49 People v. Bonnetta (Thomas) et al., S159133**.** (A115732; 156 Cal.App.4th 1315; Superior Court of Contra Costa County; 050516658.) Petition for review after the Court of Appeal affirmed in part and reversed in part judgments of conviction of criminal offenses. This case presents the following issue: Must an appellate court automatically reverse a trial court's order striking enhancements pursuant to Penal Code section 1385 because the trial court, although it stated its reasons for dismissal on the record, failed to enter the reasons upon the minutes, or can the error be found harmless?

(3) ***Silverbrand v. County of Los Angeles et al., S143929***

#06-90 Silverbrand v. County of Los Angeles et al., S143929. (B176239; unpublished opinion; Superior Court of Los Angeles County; MC014605.) Petition for review after the Court of Appeal dismissed the appeal in a civil action. This case presents the following issue: Does the "prison delivery" rule apply to the filing of a notice of appeal in a civil case, and thus make timely a notice of appeal deposited in the prison legal mail system before the expiration of the jurisdictional deadline but not received by the trial court until after that deadline has passed?

2:00 P.M.

(4) ***Sentry Select Ins. Co. v. Fidelity & Guaranty Ins. Co., S145087***

#06-95 Sentry Select Ins. Co. v. Fidelity & Guaranty Ins. Co, S145087. (9th Cir. No. 04-56265; 455 F.3d 956; Southern District of California; CV-02-01055-LSP.) Request under California Rules of Court, rule 29.8, that this court decide a question of California law presented in a matter pending in the United States Court of Appeals for the Ninth Circuit. The question presented is: "What is the appropriate test for determining whether an insured is 'engaged in the business of renting or leasing motor vehicles without operators' under California Insurance Code § 11580.9(b)? Compare *Travelers Indem. Co. of Ill. v. Md. Cas. Co.*, 41 Cal.App.4th 1538, 1546–47 (1996), and *McCall v. Great Am. Ins. Co.*, 119 Cal.App.3d 993, 998 (1981), with *W. Carriers Ins. Exch. v. Pac. Inc. Co.*, 211 Cal.App.3d 112, 116–17 (1989), *Mission Ins. Co. v. Hartford Accident & Indem. Co.*, 160 Cal.App.3d 97, 101 (1984), and *Transp. Indem. Co. v. Robert Alo*, 118 Cal.App.3d 143, 148 (1981)."

(5) ***People v. Lawrence (Ringo), S160736***

#08-66 People v. Lawrence (Ringo), S160736. (B193831; 158 Cal.App.4th 685; Superior Court of Los Angeles County; BA284590.) Petition for review after the Court of Appeal reversed a judgment of conviction of criminal offenses. This case presents the following issues: (1) Did the trial court abuse its discretion by denying a self-represented

defendant's requests for appointment of counsel prior to opening argument? (2) Is the erroneous denial of a motion for reappointment of counsel made after the commencement of trial automatically reversible as structural error?

(6) ***People v. Hawthorne (Carlos), S064769 [Automatic Appeal]***
This matter is an automatic appeal from a judgment of death.