SUPREME COURT OF CALIFORNIA
ORAL ARGUMENT CALENDAR
SAN FRANCISCO SESSION
MARCH 8 and 9, 2005

(FIRST AMENDED)

The following cases are placed upon the calendar of the Supreme Court for hearing at its courtroom, located at 350 McAllister Street, Fourth Floor, San Francisco, California, on March 8 and 9, 2005.

TUESDAY, MARCH 8, 2005—9:00 A.M.

(1) S116081 Sierra Club v. California
(2) S119067 People v. Wright
(3) S117370 People v. Randle

1:30 P.M.

(4) S114184 People v. Williams
(5) S121532 Jevne v. Superior Court ***(George, C.J. and Baxter, J. not participating; Vartabedian, J. and Ward, J. assigned Justices Pro Tempore.)***

WEDNESDAY, MARCH 9, 2005—9:00 A.M.

(6) S115738 Warrick v. Superior Court
(7) S025519 People v. Colin Dickey ***[Automatic Appeal]***

George
Chief Justice

If exhibits are to be transmitted to this court, counsel must comply with Rule 18(c), California Rules of Court.

SUPREME COURT OF CALIFORNIA
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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, MARCH 8, 2005—9:00 A.M.

(1) Sierra Club v. California, S116081

#03-96 Sierra Club v. California, S116081. (A100194; 107 Cal.App.4th 1030; Superior Court of San Francisco County; 315686, 318780.) Petition for review after the Court of Appeal affirmed the judgment in an action for writ of administrative mandate. This case includes the following issue: In a matter relating to a development project that straddles the coastal zone, did the California Coastal Commission improperly fail to consider the environmental impacts of the development located outside the coastal zone when granting a permit for proposed development within the coastal zone?

(2) People v. Wright, S119067

#03-138 People v. Wright, S119067. (C039031; 110 Cal.App.4th 1594; Superior Court of Sacramento County; 99F09290.) Petition for review after the Court of Appeal reversed a judgment of conviction of criminal offenses. This case includes the following issue: Does the doctrine of imperfect self-defense apply where the defendant's actual but unreasonable belief in the need to defend himself is based

on a delusion resulting from mental illness attributable to methamphetamine abuse?

(3) People v. Randle, S117370

#03-110 People v. Randle, S117370. (A097168; 109 Cal.App.4th 313; Superior Court of Alameda County; 137823.) Petition for review after the Court of Appeal affirmed in part and reversed in part a judgment of conviction of criminal offenses. This case includes the following issues: (1) Did the trial court err in refusing to instruct the jury, upon request, that if it found that the defendant, in committing the act that resulted in the death of the victim, acted under an actual but unreasonable belief in the need to use deadly force in defense of another, that mental state of the defendant would negate malice aforethought and would justify a conviction of voluntary manslaughter rather than murder? (2) If the trial court did err in refusing to so instruct the jury, was the error prejudicial on the facts of this case?

1:30 P.M.

(4) People v. Williams, S114184

#03-70 People v. Williams, S114184. (G028417, G028422; 105 Cal.App.4th 1329; Superior Court of Orange County; M9119, 00WF2351.) Petition for review after the Court of Appeal dismissed an appeal from an order in a criminal case. This case presents the following issue: May the People move to reinstate felony charges (Pen. Code, § 871.5) or appeal (Pen. Code, § 1238(a)(1) & (8)) after a magistrate reduces felony/misdemeanor "wobbler" charges to misdemeanors at the preliminary examination?

(5) *Jevne v. Superior Court*, S121532 *(George, C.J. and Baxter, J. not participating; Vartabedian, J. and Ward, J. assigned Justices Pro Tempore.)*

#04-23 Jevne v. Superior Court, S121532. (B167044; 113 Cal.App.4th 486; Superior Court of Los Angeles County; SC062784.) Petition for review after the

Court of Appeal denied a petition for peremptory writ of mandate. This case includes the following issue: Are the California Ethical Standards for Neutral Arbitrators (Code Civ. Proc., § 1281.85; Cal. Rules of Court, appen. Div. VI [Ethics Standards for Neutral Arbitrators in Contractual Arbitration]) preempted by the federal Securities Exchange Act of 1934 and rules promulgated under that act by the National Association of Securities Dealers?

WEDNESDAY, MARCH 9, 2005—9:00 A.M.

(6) Warrick v. Superior Court, S115738

#03-90 Warrick v. Superior Court, S115738. (B160462; 107 Cal.App.4th 1271; Superior Court of Los Angeles County; BA230651.) Petition for review after the Court of Appeal denied a petition for peremptory writ of mandate. This case presents the following issue: Must a criminal defendant provide "a specific factual scenario establishing a plausible factual foundation" for allegations of misconduct by law enforcement officers in order to obtain discovery of peace officer personnel records under the applicable statutory provisions? (See Evid. Code, §§ 1043–1045; Pen. Code, §§ 832.7, 832.8; *City of Santa Cruz v. Municipal Court* (1989) 49 Cal.3d 74; *Pitchess v. Superior Court* (1974) 11 Cal.3d 531)?

(7) People v. Colin Dickey, S025519 [Automatic Appeal]

This matter is an automatic appeal from a judgment of death.